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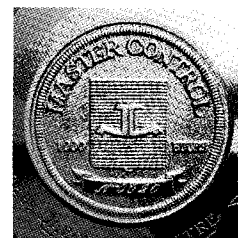
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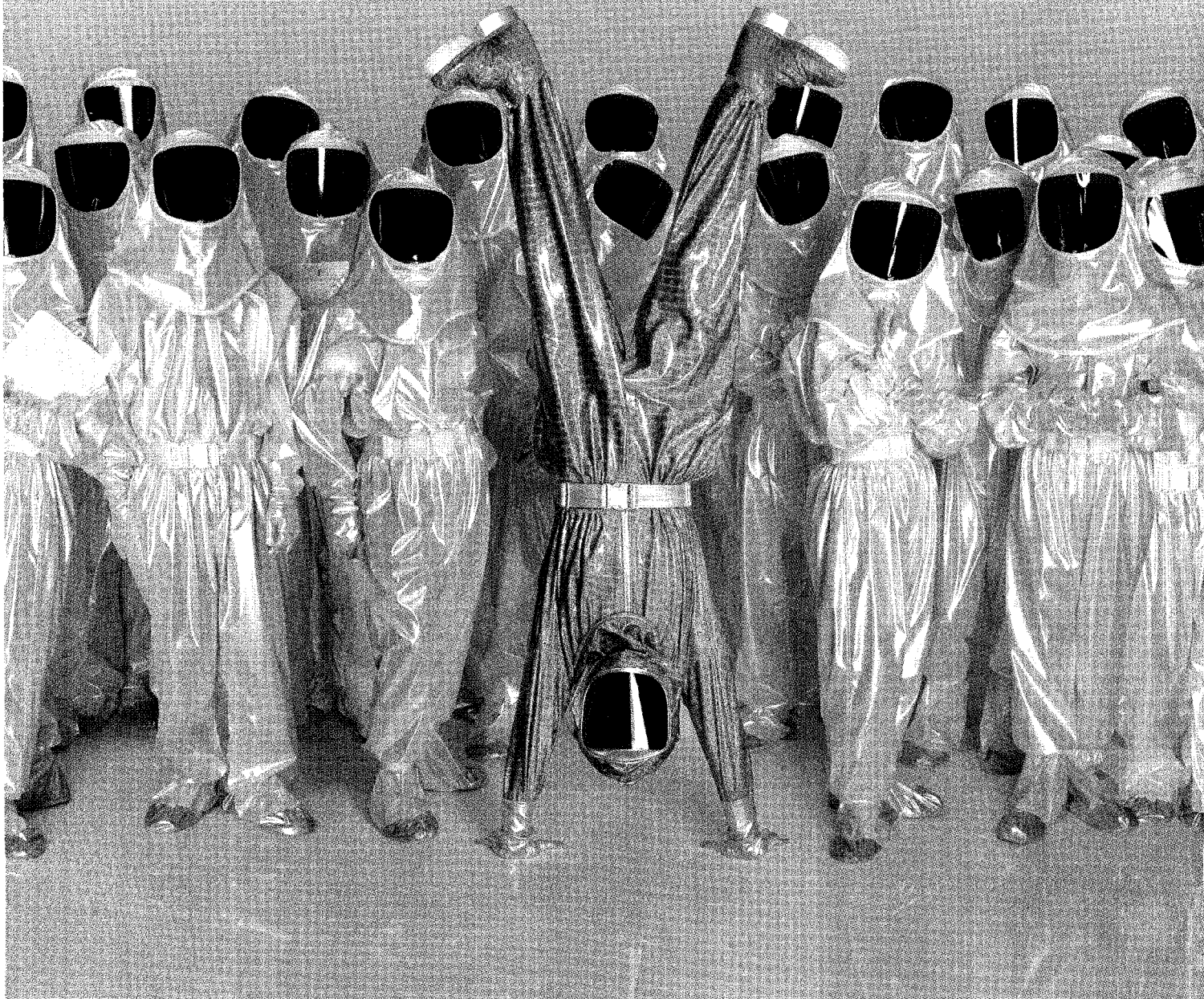
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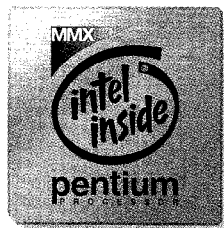


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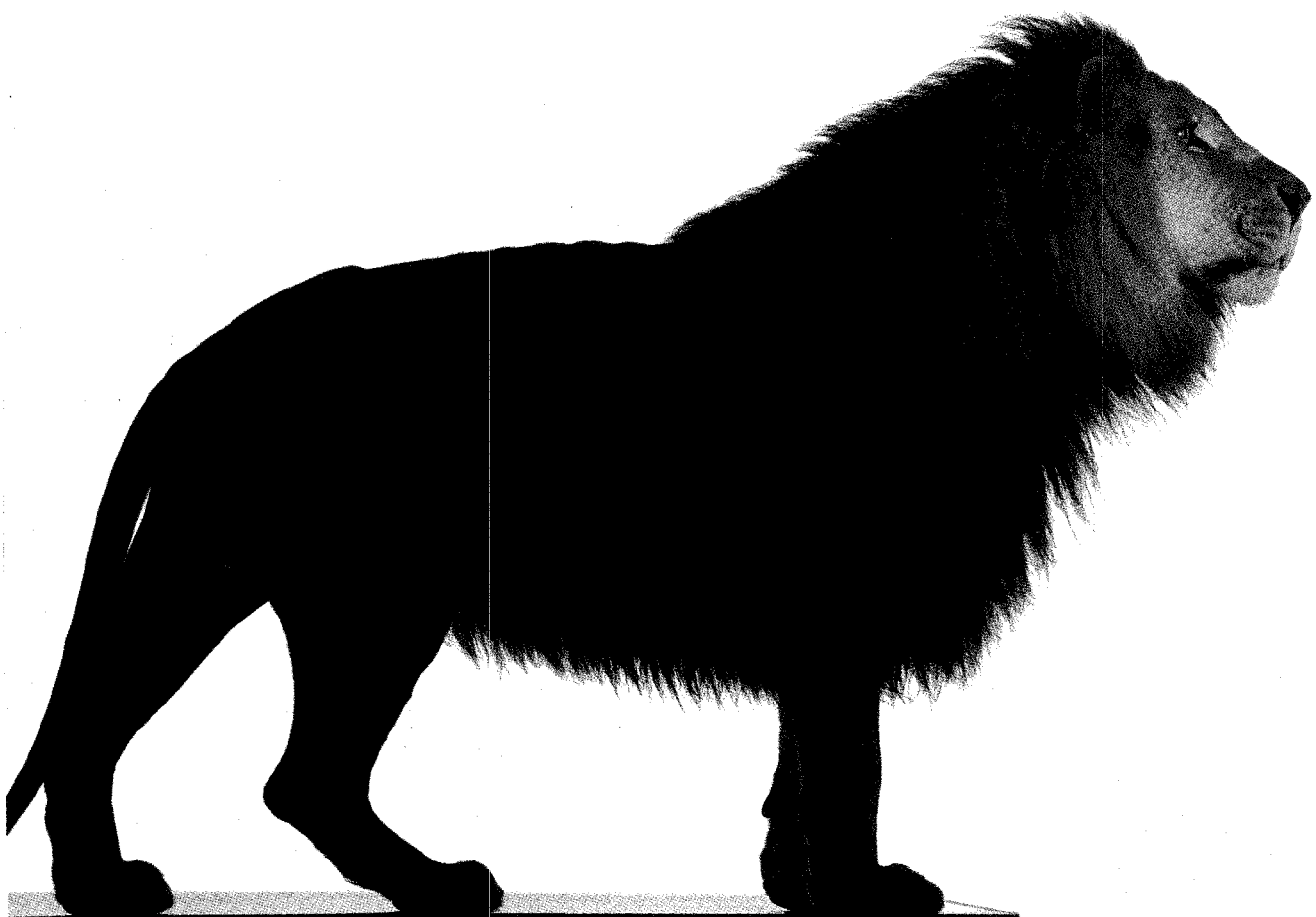
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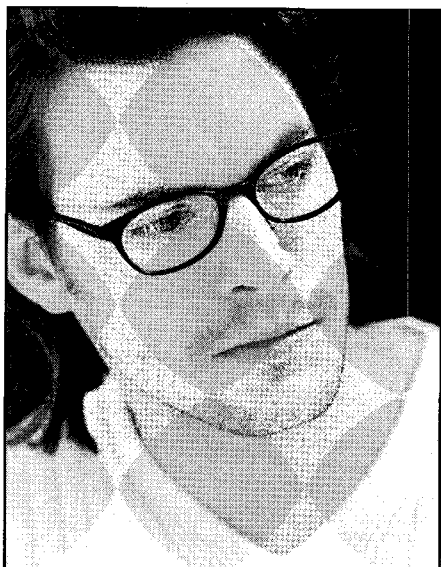
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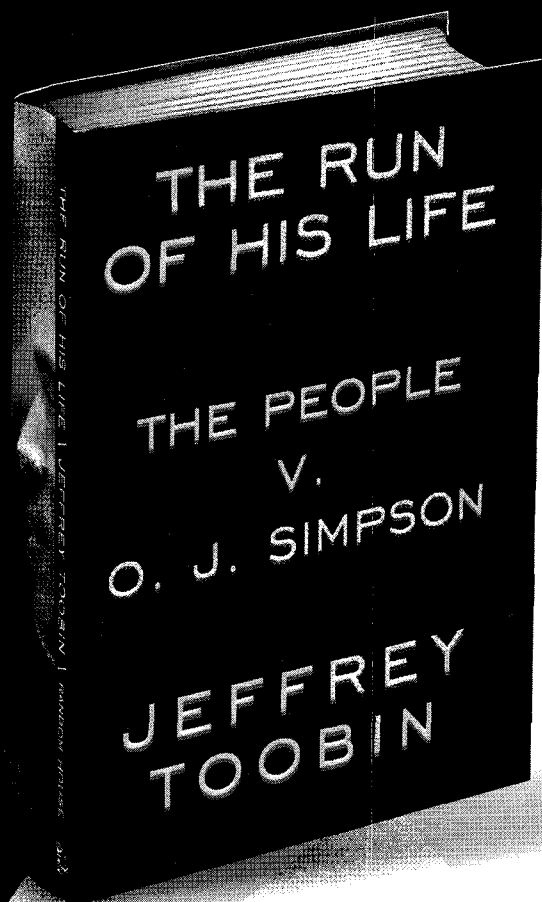
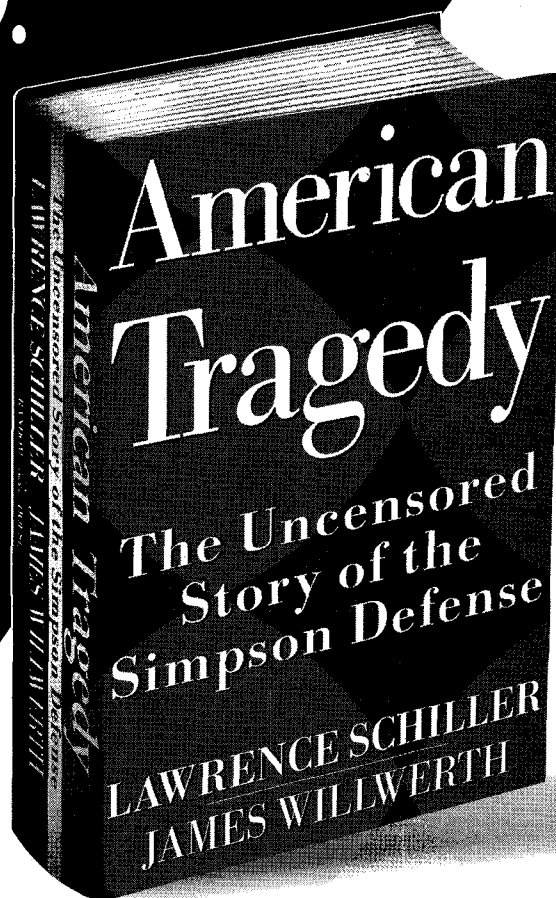
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MARKETING JUSTICE

What, really, are jury trials for?

A CRIME has been committed, a suspect identified. Now justice must be served. For this purpose, there is a venerable procedure, one that is speedy, fair, and widely accepted. In other words—if you're among the Azande of Sudan, that is—it's time to poison a chicken. In the poison oracle, as the Azande's version of the criminal trial is known, a chicken is fed some random amount of a vegetable alkaloid: if it dies, the accused is guilty. There is even an appellate system: if you think your chicken has been bewitched, you may turn to another oracle.

A chicken's response to an erratic dose of an erratically toxic substance may not sound like a reliable way of reaching a just verdict. But at least the Azande's criminal-justice system does what is asked of it: civil society is upheld; victims are avenged; peace is preserved. And the system has other advantages: chickens are unswayed by racial or ethnic solidarity, cannot be influenced by inflammatory pretrial publicity, don't sign book contracts, and never conceal conflicts of interest. Fowl are fair.

Even so, confidence in the American trial system is unlikely to be strengthened by appointing Frank Perdue to the bench. That's because our own favored magic is called democracy—which, as oracles go, is surely more salutary than poultry, though it can seem equally temperamental.

If we're unhappy with the citizen jury—the cornerstone of the trial system—that's because we don't know what it's for and we don't know what we want from it.

One mistake is to think that the citizen jury was ever meant to be the most efficient and reliable possible means of determining guilt or innocence. It's nothing of the kind: Does anybody imagine that we have free elections because they yield the best policies? The jury system's boosters like to say that it's a bulwark against despotism; that it's the closest thing to Athenian democracy we have; that jury service represents the one chance most citizens ever get to perform a substantive government function. All this, though true, skirts the more basic purpose. As a symbol of popular and local sovereignty, citizen juries confer legitimacy upon the most invasive thing a state can do: strip a person of life, liberty, or property. By interposing itself between crime and punishment, the citizen jury—when it works as it was intended to—makes the state's actions something ordinary people feel they own.

Nothing is got for nothing. If you want the evaluation of evidence and the parsing of legal niceties done in a professional manner, get a professional. That's what most Europeans do, and on the whole their fact-finding is more accurate and their sentencing more uniform. But the



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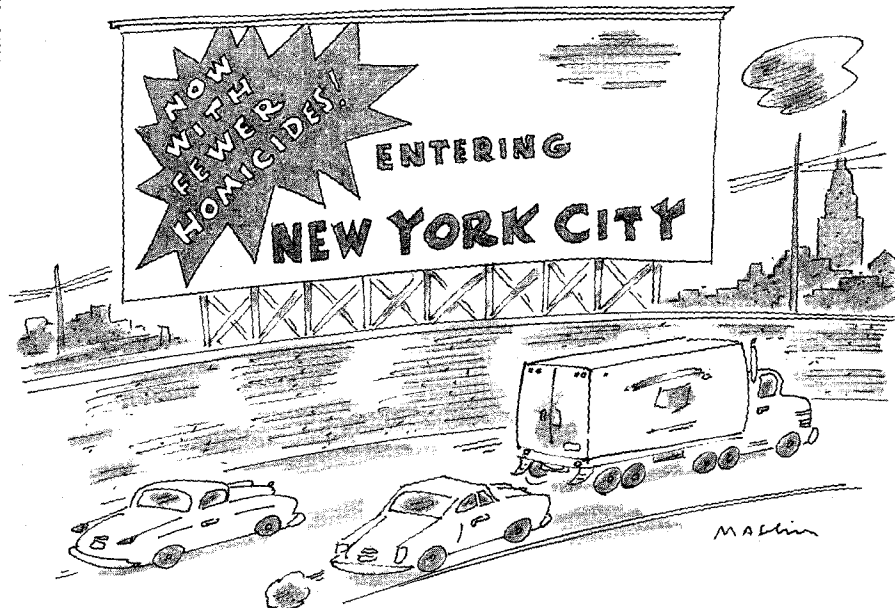
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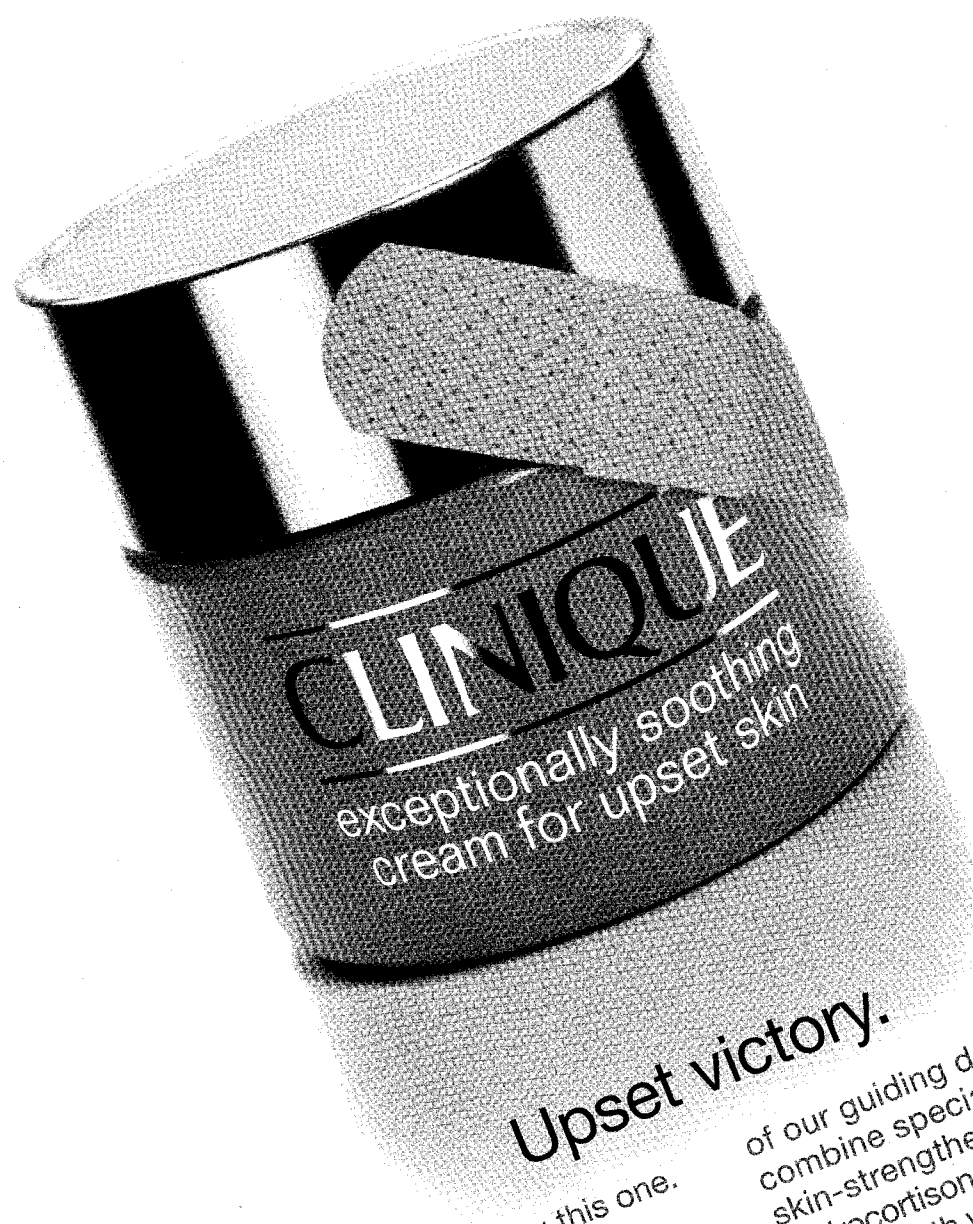
imagery of a judicial elite visiting judgment upon a subject people doesn't sit well in a country where government is widely presumed guilty until proved innocent. Rougher justice in exchange for public acceptance is the barter we've made.

All this may sound like the height of cynicism. To invoke acceptance—legitimation—as a rationale is to emphasize the *marketing* of a social good over its manufacture—as if the choice between verdicts were like that between Coke and New Coke. So be it. If legitimation and truth are independent values, the first will sometimes come at the expense of the second. Unfortunately, a longstanding and wrong-headed trend has been to make jurors more “disinterested” at the expense of making them less engaged with the communities their verdicts directly affect. Peremptory challenges, where lawyers strike potential jurors without stating a reason, are systematically used to distort jury demographics. Sequestered jurors, penned up and forced, decide cases in a way unfathomable to free-range citizens. Judges routinely grant changes of venue in high-profile cases, in blithe violation of the spirit of the Sixth Amendment: a Miami cop who guns down an unarmed African-American is tried and acquitted in Orlando; Rodney King's assailants are tried and acquitted in Simi Valley. The chattering classes chatter; the rioting classes riot.

Hence the noticeable rise in prosecutorial appeals—which is what the federal proceedings against the assailants of Rodney King and Yankel Rosenbaum, and the civil action against O. J. Simpson, effectively amount to. It's not simply that the original verdicts were bad; it's that they

lacked popular legitimacy. This is what has come of the effort to refashion juries into bodies of disinterested judgment. Juries haven't got any better at rendering verdicts: they've just lost a lot of their authority to legitimize those verdicts. Once you forget what juries are for, and promote formal legal considerations over political ones, you get the worst of both worlds. Trying to turn a jury into a vehicle of efficient managerial justice is like converting a school bus into a racing car: it no longer serves its community purpose, and it won't break any speed records, either.

There are signs of hope. Arizona has adopted rules that would permit jurors to be more active, even to the point of asking witnesses written questions. That can help alert lawyers on both sides to misconceptions jurors may harbor—and make it easier to head off the sort of folie à douze they're prone to. And a number of other states, from New Hampshire to California, are considering similar measures. These are reforms that would put the citizen back into the citizen jury, treating laypersons not as vacuum-sealed vessels but as active participants. Perhaps, too, as Jeffrey Rosen suggests in this issue, more states ought to consider permitting non-unanimous verdicts, which would make juries more democratic, if less deliberative. Meanwhile, the call to eliminate peremptory challenges has been gathering force. The point isn't to make juries statistically “representative” by some bean counter's decree; it's to let the system do what it does best. The alternative—in a country riven by racial, sexual, and ethnic tensions—may be less than edifying. As the Azande could tell you, chickens come home to roost. —HENRY LOUIS GATES, JR.



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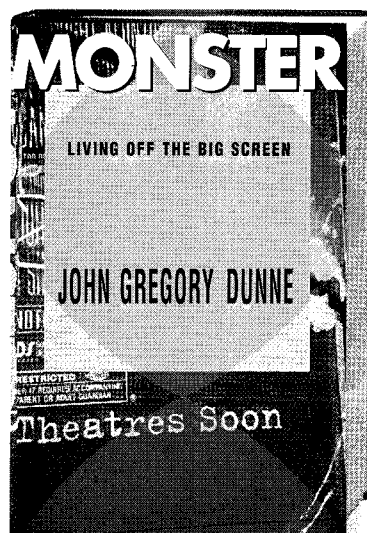
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FANTASTIC STORIES

Jeffrey Toobin correctly points out that journalists' desire to promote the "free flow of information" may often justify reporting "facts" not reliable enough for courtroom use (Comment, "Courtroom vs. Newsroom," January 27th). But media reports of the police's preliminary suspicions in cases involving celebrity suspects or unusually heinous crimes raise an important question: Do the media fulfill any useful role when they rush to report such stories prominently? These reports displace solid but more mundane information, which might help citizens decide what public policies they want pursued to address crime and other pressing social issues. In addition, such reports pose terrible risks to individual reputations. Sleaze flows—indeed, it gushes out in torrents—but rivers of useful information often find no outlet.

DAVID M. DRIESEN
Syracuse, N.Y.

Mr. Toobin omits a key fact in retelling the story of Richard Jewell's leap to notoriety: before becoming the bombing suspect, Jewell performed a heroic act by aiding potential victims. He did not go directly from anonymity to villainy, like Dreyfus, in Toobin's overstated analogy, but, rather, from anonymity to heroism to villainy, which made Jewell appear to be a malevolent trickster and therefore particularly loathsome to his local newspaper. Toobin's point that the reporter's landscape is wider than the judge's rings true, but there is a corollary: the media are obligated to include facts that significantly change a news story.

RONALD P. JAYSON
Decatur, Ga.

PETTY THEFT?

According to James R. Kincaid ("Purloined Letters," January 20th), people are too eager to prosecute putative cases of plagiarism that are in fact "standard practice, unavoidable short trips into the com-

mon ground of language and thought." But what concerns me is the increased ease with which students can plagiarize using essays obtained on the Internet—the very entity that Kincaid predicts will subvert our concepts of originality. Even if language is "quicksand," educators must be able to discern hardworking students from those who lazily copy, and that task is getting trickier.

PHILIP NICKEL
Los Angeles, Calif.

Mr. Kincaid contends that a certain degree of plagiarism is unavoidable, because "the mind is formed in and through language, not outside it." He takes this to mean that we are the slaves, not the masters, of our words. Insofar as this thesis is relevant to the issue of plagiarism, it is false: words do not write themselves; writing is an intentional act, for which the author is morally responsible. There are degrees of plagiarism, just as there are degrees of theft. But, like ordinary thefts, plagiarism is rarely harmless and almost always wrong.

SAMUEL RICKLESS
Tallahassee, Fla.

KOESTLER'S CRIME

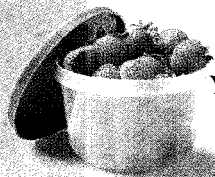
Cynthia Jefferies may well have been uncannily prefigured by Arlova, the devoted secretary in Arthur Koestler's "Darkness at Noon," as Bernard Avishai points out ("The Dangers of Devotion," January 6th), but Arlova herself had a predecessor, whom Avishai did not mention: Nadeshda Smirnova, a clerk with whom Koestler fell deeply in love during a trip across the Soviet Union in 1932. He spent a week or two with her, and then denounced her to the secret police over a trifling matter. Koestler never learned what happened to Nadeshda, but rightly feared the worst, and the absurd contradiction that his devotion to the Party was such that it could render him indifferent to the fate of a beloved human being haunted him for years.

WALTER MURCH
Bolinas, Calif.

Letters should be as brief as possible, and sent with the writer's name, address, and daytime phone number to "The Mail," The New Yorker, 20 West 43rd Street, New York, N.Y. 10036. They may be edited for length and clarity.



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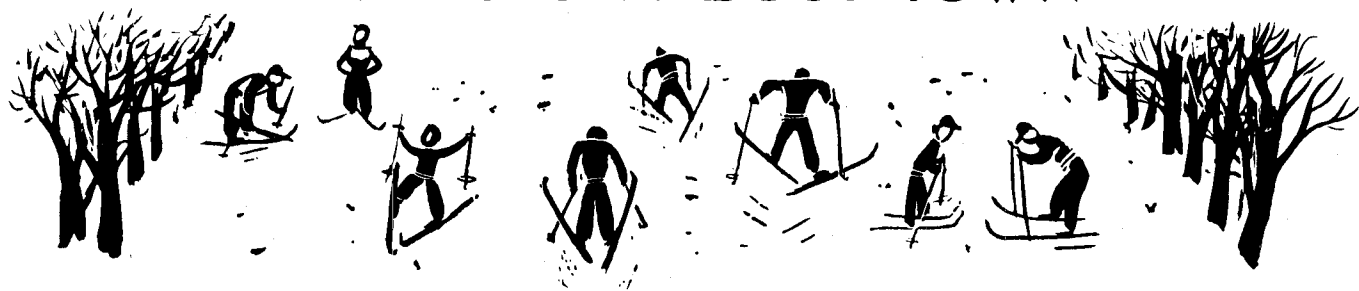
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(Please call the phone number listed with the theatre for timetables and ticket information.)

ANTONY AND CLEOPATRA—Vanessa Redgrave is the director of this New York Shakespeare Festival staging, in which she co-stars with David Harewood. In previews. (Public, 425 Lafayette St. 239-6200.)

THE BEEKEEPER'S DAUGHTER—In Karen Malpede's latest drama, a poet's quiet island retreat is disrupted by a visit from his social-activist daughter. Previews Feb. 21-March 2. Opens March 3 at 8. (Theatre Row Theatre, 424 W. 42nd St. 279-4200.)

THE CHANGELING—Theatre for a New Audience's production of Thomas Middleton and William Rowley's Jacobean tragedy. In previews through the March 1 matinee. Opens that evening at 8. (St. Clement's, 423 W. 46th St. 279-4200.)

GOOD AS NEW—Laura Esterman portrays a post-facelift wife and Jennifer Dundas and John Spencer her daughter and husband, in a drama by Peter Hedges. In previews through the Feb. 26 matinee. Opens that night at 8. (MCC, 120 W. 28th St. 727-7765.)

THE GREEN HEART—Charles Busch (book) and Rusty Magee (music and lyrics) have joined forces on this comic thriller, a musical adaptation of Jack Ritchie's short story about a broke playboy with dark designs on a rich botanist. Previews begin Feb. 25. (Variety Arts, Third Ave. at 14th St. 239-6200.)

HOW I LEARNED TO DRIVE—A young woman (Mary-Louise Parker) growing up in the sixties and seventies gets behind-the-wheel lessons in life from her uncle (David Morse), in Paula Vogel's new play. Mark Brokaw is the director. Previews begin Feb. 27. (Vineyard, 108 E. 15th St. 353-3874.)

THE LAST NIGHT OF BALLYHOO—Alfred Uhry teams up again with Dana Ivey (who starred in the original production of his "Driving Miss Daisy") and Ron Lagomarsino (who directed it) to bring this romantic comedy to Broadway. In previews through Feb. 26. Opens Feb. 27 at 6:45. (Helen Hayes, 240 W. 44th St. 307-4100.)

NOTHING LIKE A DAME—A roster of high-profile female performers, including Madeline Kahn, Judy Kuhn, Angela Lansbury, Donna Murphy, Marisa Tomei, and Lillias White, get together for a benefit revue. Feb. 24 at 8. (Marquis, Broadway at 45th St. For more information, call 221-7300, ext. 135.)

NOT WAVING—Kyra Sedgwick stars as a woman recovering from mental illness, in a drama by Gen LeRoy. Previews begin Feb. 20. (Primary Stages, 354 W. 45th St. 333-4052.)

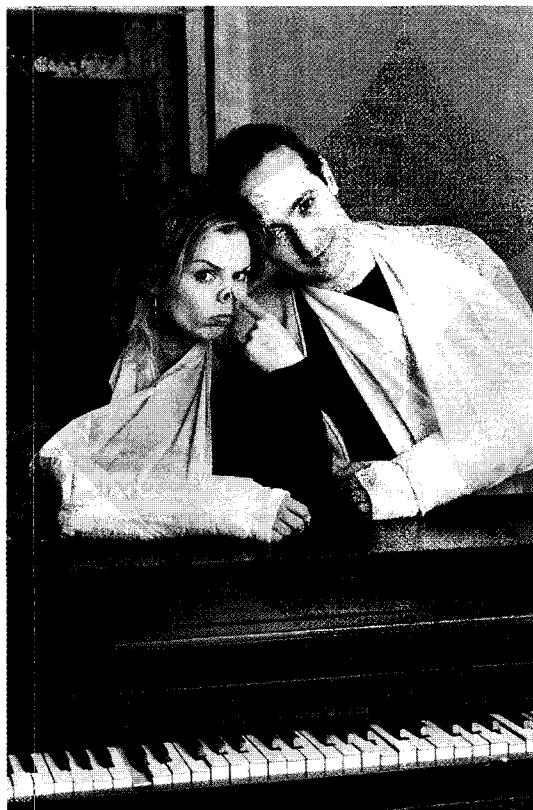
ONE FLEA SPARE—Dianne Wiest is in the cast of Naomi Wallace's play, set during London's great plague, in 1665. Previews begin Feb. 25. (Public, 425 Lafayette St. 239-6200.)

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P.S. 122—"Kick In!" a performance marathon hosted by Penny Arcade, Aaron Beall, David Leslie, Carmelita Tropicana, and DanceNoise. Feb. 20 at 8 and Feb. 21-22 at 8 and 11. ...
"Critical Mass," performance artist Deb Margolin's latest work. Opens Feb. 27 at 7:30 and continues through March 9. (150 First Ave., at 9th St. 477-5288.)

PSYCHOPATHIA SEXUALIS—John Patrick Shanley's new comedy, about a man with a fetish, stars Daniel Gerroll. In previews through Feb. 25. Opens Feb. 26 at 6:45. (Manhattan Theatre Club, at City Center, 131 W. 55th St. 581-1212.)

A QUESTION OF MERCY—A 1991 essay on doctor-assisted suicide published in the *Times Magazine* inspired this work by David Rabe. In previews through Feb. 23. Opens Feb. 25 at 8. (New York Theatre Workshop, 79 E. 4th St. 460-5475.)



FROM AMY AND DAVID SEDARIS: "The Little Frieda Mysteries," in which Ms. Sedaris, for whom no role is too ugly, plays three parts.

ROBBERS—Michael Rapaport stars in Lyle Kessler's comedy, directed by Marshall W. Mason, in which a cannery hires an undercover agent to flush out thieving employees. In previews through Feb. 22. Opens Feb. 23 at 6:45. (American Place, 111 W. 46th St. 239-6200.)

STANLEY—From London's Royal National Theatre comes Pam Gems's latest biographical play, starring Antony Sher as the English painter Stanley Spencer. Directed by John Caird. Two previews on Feb. 19. Opens Feb. 20 at 6:30. (Circle in the Square, 50th St. west of Broadway. 239-6200.)

STAR 69—Comedienne Linda Hill's one-woman multimedia show about a starlet and a stalker. Opens Feb. 19 and continues through March 2. (The Kitchen, 512 W. 19th St. 255-5793.)

TOKYO SHOCK BOYS—A troupe of Japanese vaudevillians who specialize in a brand of humor that involves ingesting, inhaling, and generally messing around with unlikely substances, objects, and animals. Opens Feb. 19 at 7. (Minetta Lane Theatre, 18 Minetta Lane, east of Sixth Ave., between W. 3rd and Bleecker Sts. 307-4100.)

THE TWO GENTLEMEN OF VERONA—The Blue Light Theatre Company has set Shakespeare's early comedy in Texas in 1876. In previews through Feb. 22. Opens Feb. 23 at 7. (Theatre at St. Peter's Church, Lexington Ave. at 54th St. 935-5820.)

VIOLET—A musical based on Doris Betts's story "The Ugliest Pilgrim," about a scarred teenager's journey to seek the help of a TV faith healer. With music by Jeanine Tesori and book and lyrics by Brian Crawley. Directed by Susan H. Schulman. In previews. (Playwrights Horizons, 416 W. 42nd St. 279-4200.)

OPENED RECENTLY

BOYCHIK—Richard Krevolin's touching one-man play concerns a middle-aged New Haven engineer (the first-rate Richard Kline) who must come to terms with the recent death of his father, a Talmudic scholar who would stop the car to say Kaddish for a dead possum but refused to attend his only child's wedding to an Irish Catholic. A few Catskills-style jokes keep things from getting too heavy. Tightly directed by Max Mayer, with lighting and set design by Jeff Croiter and Thomas Lynch, respectively. (Theatre Four, 424 W. 55th St. 239-6200.)

CAPITOL STEPS—A political revue performed by a troupe of former Congressional staff members. (John Houseman, 450 W. 42nd St. 239-6200.)

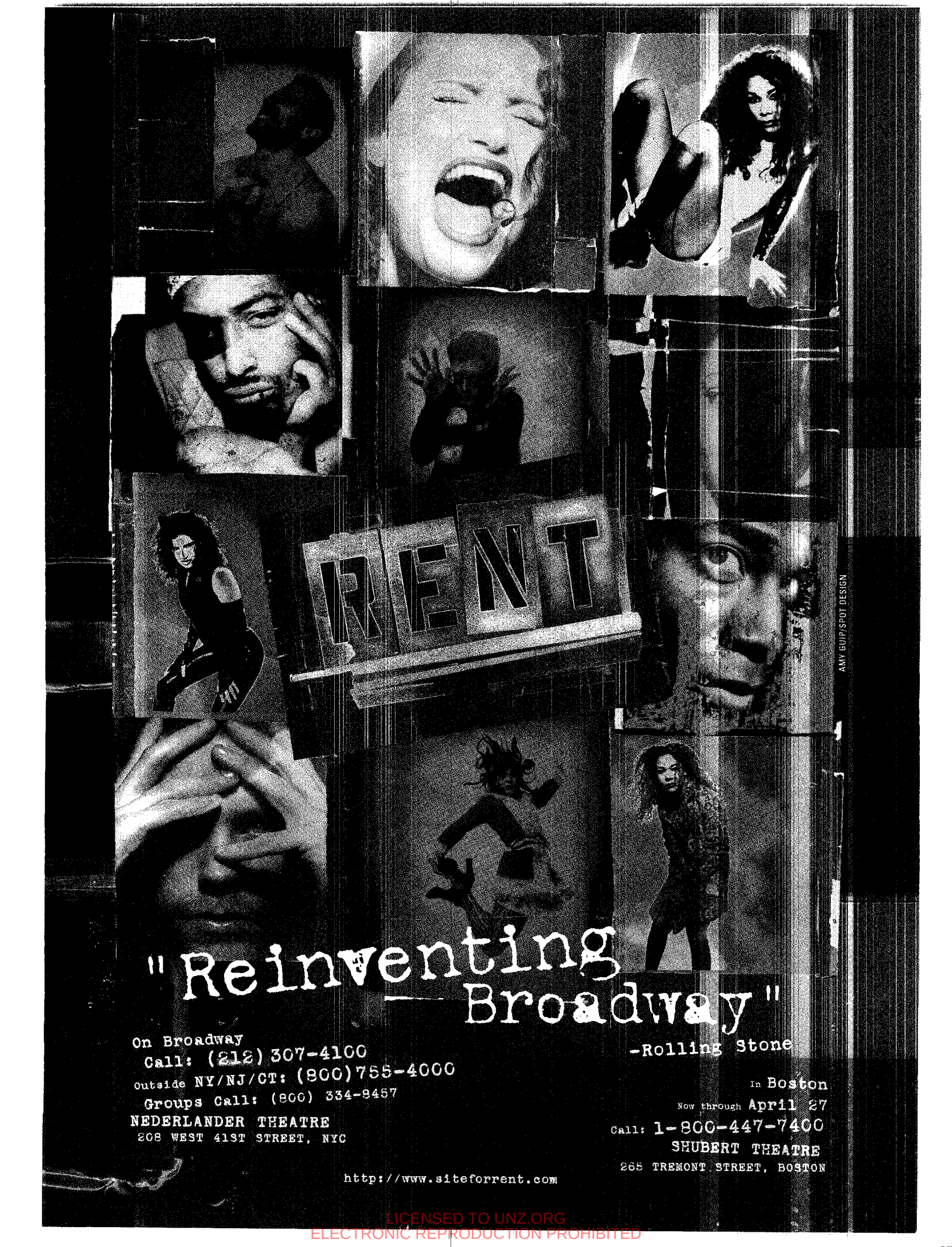
CHICAGO—Walter Bobbie's bookless, setless revival of the 1975 Kander-Ebb-Fosse extravaganza of cynicism (choreographed this time around by Ann Reinking, who co-stars with Bebe Neuwirth) is about a woman who gets away with murder. This razzle-dazzle concert posing as a full-dress musical may do the same. (Reviewed in our issue of 11/25/96.) (Shubert, 225 W. 44th St. 239-6200.)

DREAMSTUFF—A new musical based on the Aladdin tale but updated to the nineteen-nineties. (Samuel Beckett, 412 W. 42nd St. 307-4100.)

THE FLATTED FIFTH—From the New Group, a new play by Seth Zvi Rosenfeld about multicultural relationships. (INTAR, 420 W. 42nd St. 279-4200. Closes March 2.)

FORBIDDEN BROADWAY STRIKES BACK!—Gerard Alessandrini cuts a satirical swath through the Great

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White Way in the latest edition of his musical parody. (Triad, 158 W. 72nd St. 799-4599.)

FULL GALLOP—The legendary, vividly eccentric fashion editor Diana Vreeland is the subject of Mary Louise Wilson and Mark Hampton's one-woman play, in which Wilson stars. It's rich and resonant—very funny and very moving. (Westside, 407 W. 43rd St. 239-6200.)

A HUEY P. NEWTON STORY—Roger Guenveur Smith's solo portrait of the co-founder of the Black Panthers. (Public, 425 Lafayette St. 239-6200. Closes March 9.)

HYSTERICAL BLINDNESS—Jared Harris is the director of Laura Cahill's new play, which revolves around the lives of two blue-collar New Jersey women. (A' Theatre, 154 W. 29th St. 995-8949. Closes March 2.)

IN-BETWEENS—A prostitute, a transvestite, and a couple of ex-cons make up the cast of characters in a darkly comic love story by Bryan Goluboff, set in the Bronx. (Cherry Lane, 38 Commerce St. 989-2020.)

JOSEPH GABRIEL: MAGIC ON BROADWAY—Mr. Gabriel has performed at the Las Vegas Flamingo Hilton for the past ten years, and his feats are certainly impressive, but it's all too clear from the trappings of his act—dancers in polka-dotted boxer shorts, a sequined Elvis—that he hasn't left Nevada behind. (Lamb's, 130 W. 44th St. 239-6200.)

KING GORDOGAN—The Croatian playwright Rado van Ivisic's 1943 satire stars Neil Maffin as a mad monarch and John Gould Rubin as his fool. (Ohio Theatre, 66 Wooster St. 439-4895. Closes March 1.)

LATE NITE CATECHISM—Maripat Donovan offers a commandingly funny performance as the lone nun in charge of an adult catechism class. (St. Luke's Church, 308 W. 46th St. 239-6200.)

THE LITTLE FRIEDA MYSTERIES—The Talent Family (the brother-and-sister writing team of David and Amy Sedaris) returns to La Mama with a new comedy, starring Ms. Sedaris, David Rakoff, Penny Boyer, and Chuck Coggins. (74A E. 4th St. 475-7710. Closes March 15.)

MINUTES FROM THE BLUE ROUTE—In Tom Donaghy's wistful, funny play, set in the suburbs during a Labor Day weekend, the attempts of a troubled nuclear family to connect threaten a meltdown. Under the direction of David Warren, the actors do a terrific job with the indirect language that their characters have developed for speaking to one another. As mother and father (Elizabeth Franz and Stephen Mendillo) and son and daughter (Matt McGrath and Catherine Kellner) talk and talk and talk—and listen only to what they can stand to hear—Donaghy makes it sadly clear how useless speech can be as a means of communication. Derek McLane designed the evocative set. (Atlantic, 336 W. 20th St. 239-6200. Closes March 15.)

MY ASTONISHING SELF—Donal Donnelly impersonates George Bernard Shaw, in a one-man show by Michael Voysey. (Irish Repertory Theatre, 132 W. 22nd St. 727-2737. Closes March 9.)

OLD WICKED SONGS—Jon Marans' well-written piece of sentimental sanctimony asks the question: Can a blocked, arrogant twenty-five-year-old pianist (Justin Kirk) find wisdom under the tutelage of a suicidal singing teacher (Hal Robinson) who survived the Holocaust? (The answer is yes.) (9/16/96) (Promenade, Broadway at 76th St. 580-1313. Closes March 9.)

ONCE UPON A MATTRESS—That modern madcap Sarah Jessica Parker shines as the princess in Gerald Gutierrez's revival of Mary Rodgers's silly, marshmallowy 1959 musical, based on Hans Christian Andersen's fairy tale "The Princess and the Pea," but she deserves a vehicle that, to paraphrase Jerome Kern, is not merely lovely to look at but delightful to know. (Broadhurst, 235 W. 44th St. 239-6200.)

PERMANENT BRAIN DAMAGE—Richard Foreman and his Ontological-Hysteric Theatre's latest attempt to stop making sense is, strictly speaking, successful, but this new work is jarringly assaultive rather than jarringly provocative. Still, it will knock some of the dust off your brain. (St. Mark's In-the-Bouwerie, Second Ave. at 10th St. 533-4650. Closes March 9.)

PETER AND WENDY—Mabou Mines' interpretation of J. M. Barrie's tale about the boy who wouldn't grow up and the girl who loved him features

Bunraku puppets and Celtic music. Directed by Lee Breuer. (New Victory, 209 W. 42nd St. 239-6200. Closes March 2.)

PRESENT LAUGHTER—As the monumentally egotistical West End star Garry Essendine, Frank Langella keeps the core of Noël Coward's 1939 comedy of bad manners alive with a full-tilt assault on the character's outrageousness. Unfortunately, the director, Scott Elliott, seems to think that he's liberating Coward by turning the play into a bisexual romp. (11/25/96) (Walter Kerr, 219 W. 48th St. 239-6200.)

SCAPIN—Bill Irwin's production (he has the title role, he directed, and, with the playwright Mark O'Donnell, he adapted the script) of Molière's comedy is a perfect blend of sweet-

STONEWALL JACKSON'S HOUSE—Jonathan Reynolds's comedy, set in the present, about a woman who pushes the racial envelope. (American Place, 111 W. 46th St. 239-6200. Closes March 9.)

THREE SISTERS—Amy Irving, Lili Taylor, and Jeanne Tripplehorn are Chekhov's despairing, hopeful trio, in a Roundabout Theatre staging directed by Scott Elliott. (Broadway at 45th St. 869-8400.)

VENICE PRESERV'D—But perhaps for a little too long. Thomas Otway's 1685 drama, a big hit for more than two hundred years, now seems more melodrama than tragedy: a whining wimp leads a cast of sketchily drawn speechifiers, and even with strong actors and a fine production the Pearl Theatre Company can't make much of it. The comic bits work best,



Andrew Miller, Carolyn Baeumler, Mark Hutchinson, and Tony Cucci, in "In-Betweens," at the Cherry Lane.

ness and anarchy. Some of the casting is questionable, but Christopher Evan Welch, who is making his New York debut, raises only the question "When will we see him again?" He's sensational: game, rubbery, and hilarious, and every bit Irwin's clownish equal. (1/27/97) (Roundabout, Broadway at 45th St. 869-8400. Closes March 16.)

SIGNATURE THEATRE COMPANY—The company continues its Sam Shepard season with three one-acts. In the brilliant "Pecos Bill," a twenty-minute musical about the Wild West legend and his short-lived wife, Romain Frugé and Julie Christensen play against the stylized set and blocking with utterly convincing emotion to suggest the distance between the Western myth and the reality. "Killer's Head," a fifteen-minute monologue about training horses, delivered blindfolded from an electric chair, is basically an exercise, but in the hands of Jamey Sheridan (one of several actors who will be taking on the role) it has the power to make you contemplate the meaning of murder. The longest piece, "Action," an overwhelmingly claustrophobic tale about finding one's identity, is strongly acted but, intentionally or not, becomes hard to take. All three shows were thoughtfully directed by Darrell Larson. (Public, 425 Lafayette St. 239-6200.)

THE STEWARD OF CHRISTENDOM—A majestic work by Sebastian Barry—as powerful an Irish play as has been written in the last decade—with a bravura performance by Donal McCann which explores how one loyal servant to the Crown is betrayed by the tides of history and change. It's set in a County Wicklow lunatic asylum in 1932, and its title character is based on Barry's great-grandfather, who was the last chief superintendent of the Dublin Metropolitan Police. Directed by Max Stafford-Clark. Presented by the Brooklyn Academy of Music. (Majestic, 651 Fulton St., Brooklyn. 718-636-4100. Closes Feb. 23.)

and Robin Leslie Brown, as a courtesan, and Robert Hock, in the role of a drunken, lecherous senator, create one of the funniest scenes of the season. Directed by Rich Cole. (80 St. Marks Pl. 598-9802. Closes March 8.)

LONG RUNS

BEAUTY AND THE BEAST: Palace, Broadway at 47th St. 307-4100. ... **BLUE MAN GROUP/TUBES:** Astor Place Theatre, 434 Lafayette St. 254-4370. ... **BRING IN DA NOISE, BRING IN DA FUNK:** Ambassador, 219 W. 49th St. 239-6200. ... **CATS:** Winter Garden, Broadway at 50th St. 239-6200. ... **THE FANTASTICKS:** Sullivan Street Playhouse, 181 Sullivan St., at Bleecker St. 674-3838. ... **A FUNNY THING HAPPENED ON THE WAY TO THE FORUM:** St. James, 246 W. 44th St. 239-6200. ... **GRANDMA SYLVIA'S FUNERAL:** SoHo Playhouse, 15 Vandam St. 691-1555. ... **GREASE!** Eugene O'Neill, 230 W. 49th St. 239-6200. (Closes Feb. 23.) ... **HOWARD CRABTREE'S WHEN PIGS FLY:** Douglas Fairbanks, 432 W. 42nd St. 239-6200. ... **I LOVE YOU, YOU'RE PERFECT, NOW CHANGE:** Westside, 407 W. 43rd St. 239-6200. ... **THE KING AND I:** Neil Simon, 250 W. 52nd St. 307-4100. ... **MASTER CLASS:** Golden, 252 W. 45th St. 239-6200. ... **LES MISÉRABLES:** Imperial, 249 W. 45th St. 239-6200. ... **MISS SAIGON:** Broadway Theatre, Broadway at 53rd St. 239-6200. ... **PERFECT CRIME:** Duffy, 1553 Broadway, at 46th St. 695-3401. ... **THE PHANTOM OF THE OPERA:** Majestic, 245 W. 44th St. 239-6200. ... **RENT:** Nederlander, 208 W. 41st St. 921-8000. ... **ROB BECKER'S DEFENDING THE CAVEMAN:** Booth, 222 W. 45th St. 307-4100. ... **SMOKEY JOE'S CAFÉ:** Virginia, 245 W. 52nd St. 239-6200. ... **STOMP:** Orpheum, 126 Second Ave., at St. Marks Pl. 477-2477. ... **SUNSET BOULEVARD:** Minskoff, 45th St. west of Broadway. 307-4007. ... **TONY N' TINA'S WEDDING:** St. John's Church, 81 Christopher St. 279-4200. ... **VICTOR/VICTORIA:** Marquis, Broadway at 45th St. 307-4100.



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David Dorfman and Dan Froot, at the Joyce.

DANCE

NEW YORK CITY BALLET—Final performances of the winter season. Feb. 19 at 8: "The Chairman Dances," "Zakouski," "Badchonomim," and "La Sonnambula."... ¶ Feb. 20 at 8: "Scotch Symphony," "Ives, Songs," and "Who Cares?"... ¶ Feb. 21 at 8: "La Source," "Badchonomim," and "Who Cares?"... ¶ Feb. 22 at 2: "Mozartiana," "Fancy Free," and "Tchaikovsky Piano Concerto No. 2."... ¶ Feb. 22 at 8: "Agon," "Ives, Songs," and "Scotch Symphony."... ¶ Feb. 23 at 3: "Firebird," "Tchaikovsky Pas de Deux," "Schoenberg/Wuorinen Variations," and "Cortège Hongrois."... ¶ Feb. 25 at 8: "La Source," "Ives, Songs," and "Agon."... ¶ Feb. 26 at 8: "Badchonomim," "Tarantella," "Ives, Songs," and "Cortège Hongrois."... ¶ Feb. 27 at 8: "La Source," "Symphony in Three Movements," and "I'm Old Fashioned."... ¶ Feb. 28 at 8: "La Source," "La Sonnambula," and "Tchaikovsky Piano Concerto No. 2."... ¶ March 1 at 2: "Badchonomim," "Zakouski," "Firebird," and "Cortège Hongrois."... ¶ March 1 at 8: "Firebird," "Dances at a Gathering," and "Fearful Symmetries."... ¶ March 2 at 3: "Symphony in Three Movements," "The Chairman Dances," "Tchaikovsky Pas de Quatre," and "I'm Old Fashioned." (New York State Theatre, 870-5570.)

PAUL TAYLOR DANCE COMPANY—Performing a repertory of ten works, including a premiere ("Eventide," a beautiful, melancholy ode set to Ralph Vaughan Williams); a new piece first seen in India ("Prime Numbers," with a commissioned score by David Israel); and three significant revivals: "Polaris" (1976), with décor by Alex Katz and a score by Donald York; "Dust" (1977), with décor by Gene Moore and music by Poulenc; and "Brandenburgs" (1988), designed by Santo Loquasto. (Is programming the latter a jaunty nod to Jerome Robbins?) The choreographer brings along a couple of new dancers and, in the pit, an outfit called the New York Metamorphoses Orchestra. (City Center, 131 W. 55th St. 581-1212. Feb. 25 at 7:30, Feb. 26-28 and March

also on the bill), so expect non sequiturs and unlikely events along with the revelations. (Joyce Theatre. Feb. 25-28 at 8, March 1 at 2 and 8, and March 2 at 2 and 7:30.)

ERICK HAWKINS DANCE COMPANY—The fifteen-member troupe performs masterworks by the late choreographer, including "Early Floating" (1961) and "Cantilever Two" (1988). (Kaye Playhouse, Hunter College, Park Ave. at 68th St. 772-4448. Feb. 18 and Feb. 23 at 7:30 and Feb. 19-22 at 8.)

PAUL LANGLAND & BRENDAN MCCALL—In "Almost Rapture" and other new dances, the collaborative choreographers pay homage to the first-generation modern dancer Allan Wayne, who taught Langland his technique for blending both modern dance and ballet with meditative breathing. (Danspace, St. Mark's In-the-Bouwerie, Second Ave. at 10th St. 674-8194. Feb. 20-23 at 8:30.)

GLOBAL EXCHANGE/LIBRE-ÉCHANGE—The international-dance series turns to Montreal, for new work by transplanted New Yorker Hetty King (who performs "Hope Cherry" with Jane Gabriels) and transplanted Athenian Irène Stamou (who performs "Come Now, Colossal and Uprooted" with her company). (Danspace, St. Mark's In-the-Bouwerie. Feb. 28-March 2 at 8:30.)

"CARNIVAL"—Dance Theatre Workshop's mid-winter performance festival continues. Feb. 18, Feb. 21, Feb. 27, and March 5 at 8, and March 2 at 3: Susan Braham and Dancers. ... ¶ Feb. 19 and Feb. 22 at 8: Sally Silvers & Dancers. ... ¶ Feb. 20, Feb. 26, and March 1 at 8 and Feb. 23 at 3: Cydney Wilkes. ... ¶ Feb. 25 and Feb. 28 at 8: Tim Hadel performs with his two sons, Spencer and Ryan, who are two and five years old, respectively. The Hadels continue through March 15. (219 W. 19th St. 691-6500.)

"RAW-EDGED WOMEN"—Filmmaker Meg Greenfield projects her tributes to the female form—from the Sphinx to sixties Fluxus performance artists and nineties flashdancers—while veteran ecadysiasts perform choreography typical of the various epochs of their art. (Anthology Film Archives, 32 Second Ave., at 2nd St. 505-5181. Feb. 21-23 at 8 and 10.)

4 at 8, March 1 at 2 and 8, and March 2 at 3 and 7:30. Through March 9.)

JAZZ TAP ENSEMBLE—A Los Angeles-based troupe of five dancers and three musicians, which performs both structured choreography and improvisations to pieces by Monk, Ellington, Sonny Rollins, and others. (Joyce Theatre, 175 Eighth Ave., at 19th St. 242-0800. Feb. 18-21 at 8, Feb. 22 at 2 and 8, and Feb. 23 at 2 and 7:30.)

DAVID DORFMAN DANCE—Though the choreographer resembles a kind of post-modern Tevye with an accordion strapped to his chest, he has made a trade out of tackling head-on the issues that make people cringe: competition between friends, messy family relationships, the duel of untrammelled male egos. In this season's new piece—still untitled at press time—the focus is on growth and change. "I wonder what happens," Dorfman explains, "when you go from one state to another, or from one person to another. Is something really gone when we think it's gone, or do we keep it within us?" The new work incorporates some of the techniques that he has used so successfully in his collaborations with Dan Froot (their hilarious, disturbing, touching "Job" is

NIGHT LIFE

CONCERTS

SHERYL CROW / THE WALLFLOWERS—When she was a backup singer, Crow earned her stripes as the woman behind men like Michael Jackson, George Harrison, and Don Henley. She declared her independence in 1993 with "Tuesday Night Music Club," a strong, smart, sexy album that turned her into a major star. On her equally strong follow-up, the unimaginatively titled "Sheryl Crow," she also declared her independence from a bad seventies hairdo and reemerged resembling a cross between Rickie Lee Jones and Kurt Cobain. It's a nice look, and it suits her tough modern-folk sound just fine./They may be climbing the charts on the strength of "Bringing Down the Horse," but the Wallflowers are best known for their lead singer, Jakob Dylan, who is in turn known for his rather famous dad, Bob. Though the Wallflowers do indeed have a classic-rock patina, they sound less like Bob Dylan than like his famous colleagues the Band. (Roseland, 539 W. 52nd St. 307-7171. Feb. 21 at 8. ... ¶ Feb. 27 at 8, with Dishwalla.)

ODADAA!—Drumming and dances of Ghana. (Symphony Space, Broadway at 95th St. 864-5400. Feb. 21 at 8.)

"BLOOD ON THE FIELDS"—An underachiever he's not: going for broke, Wynton Marsalis has composed a three-hour tour de force for jazz orchestra and vocalists, taking on the theme of slavery and its aftermath. Marsalis hasn't always triumphed in long works, but, with this level of ambition and daring, serious attention must be paid. Featuring Cassandra Wilson and Miles Griffith. (Avery Fisher Hall. 875-5030. Feb. 24 at 8. ... NOTE: Mr. Marsalis will present a pre-concert lecture at 7:15.)

LIVE—The brooding twentysomething combo from working-class York, Pennsylvania, is promoting its latest opus, "Secret Samahdi." With Fun Lovin' Criminals. (Beacon Theatre, Broadway at 74th St. 496-7070. Feb. 25 at 8.)

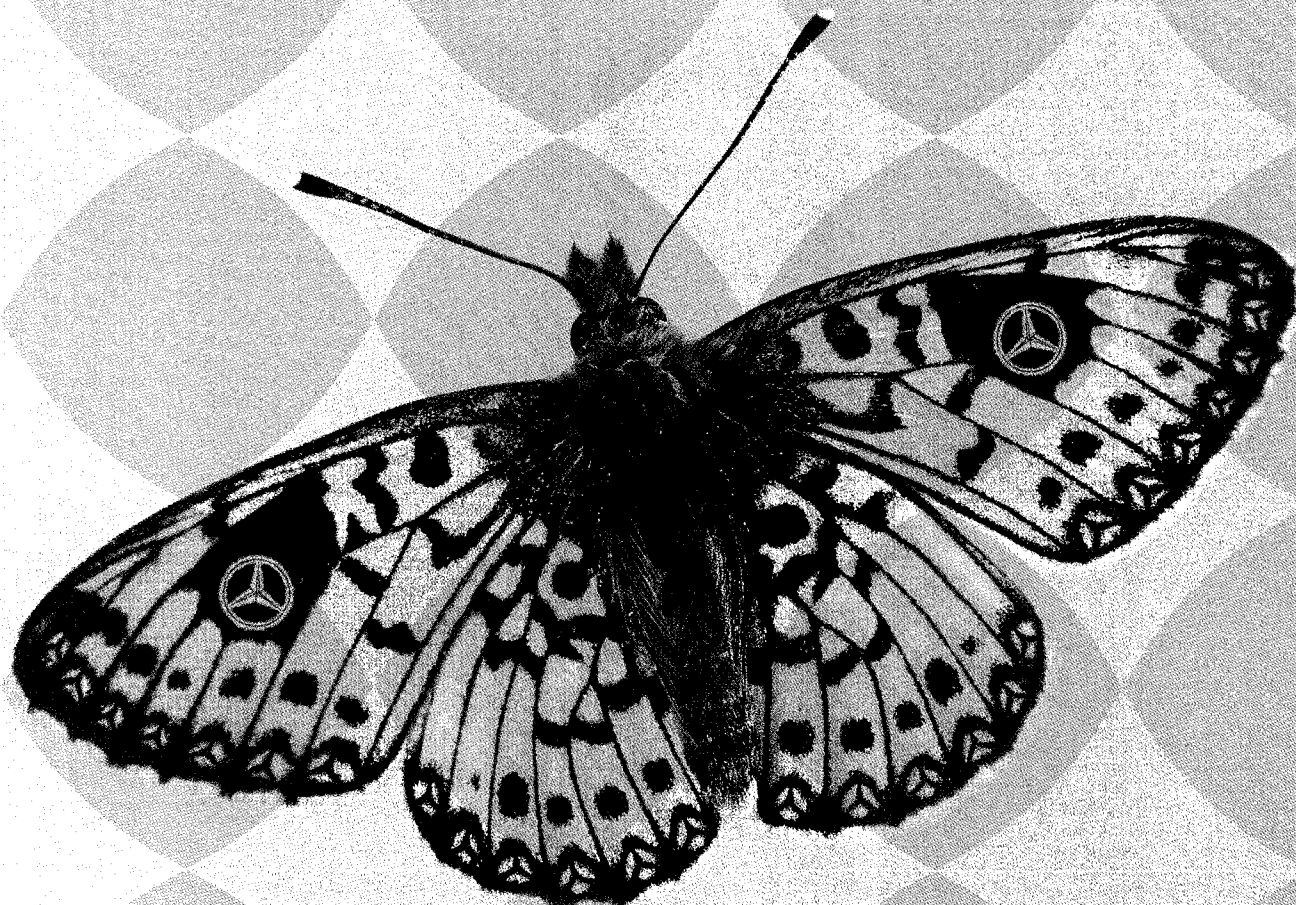
LUTHER VANDROSS—With the Braxtons. (Westbury Music Fair. 516-334-0800. Feb. 25-26, Feb. 28, and March 1, all at 8.)

SHAWN COLVIN / FREEDY JOHNSTON / PATTY GRIFFIN—A singer-songwriter master class. Colvin's striking new record, "A Few Small Repairs," seems to have fallen on deaf ears. Like Joni Mitchell's "Court and Spark," it's a haunting, nuanced snapshot of her broken marriage, and it deserves a wider audience. Dark, acidic narratives are nothing new for Johnston, who has a knack for churning out exacting folk rock with careful detail and piercing language. Up-and-comer Griffin is a fiery redhead with an emotional range to rival Janis Joplin's and a gift for despair that suggests the recent efforts of Bruce Springsteen. (Beacon Theatre. Feb. 27 at 8.)

METALLICA—Some people believe that this four-piece, post-metal force of nature is the biggest "pure" rock act in the world. They're certainly huge, particularly in the heartland. Razor-sharp from years of touring, they're actually quite good. With Corrosion of Conformity. (Nassau Coliseum. 516-794-9300. Feb. 28-March 1 at 7.)

STING—One hesitates to endorse a rock star who adorns his arrangements with cocktail-jazz affectations, has himself photographed astride a white horse with his hand thrust toward the heavens, and wields a sword in a video. But then again, we expect this from Sting—he's probably the most tendentious icon since William F. Buckley, Jr. So we forgive him. After all, the Police were one of the best pop bands ever. And "Mercury Rising," Sting's latest effort, turns out to be a finely crafted project, a collection of tasty songs and instrumental interludes. With the riveting Paula Cole, a former backup singer for Peter Dinklage who falls somewhere between Kate Bush and Tori Amos in terms of style. (The Theatre at Madison Square Garden. 465-6000. Feb. 28-March 2 and March 4-5, all at 8.)

PHILIP TRAGER



Beauty

JEWEL—Is the future of folk music this fresh-faced twenty-three-year-old from Alaska? Judging from the hordes of young believers who flock to her performances, it would appear that it is. But despite her Sally-Fields-at-the-Oscars earnestness and the occasional cliché-ridden lyric ("Who will save your soul?"), Jewel is beautiful, playful, and wickedly smart—exactly what today's folk music requires. (Beacon Theatre, March 2-3 at 8.)

DONOVAN—He's back, with a new album called "Sutra," and he's as sweetly cosmic as ever. (Symphony Space, March 3 at 8.)

JAZZ AND STANDARDS

(A highly arbitrary listing, in which boldface type indicates some of the more notable performers in town. Musicians and night-club proprietors live complicated lives; it is advisable to call ahead to confirm engagements.)

BIRDLAND, 315 W. 44th St. (581-3080)—The legendary club has a new address and bigger digs. Feb. 19: The **HILTON RUIZ** quintet. The **FREDDIE HUBBARD** quintet comes in Feb. 20-22, in a tribute to Miles Davis. Through all the mishaps of a thirty-five-year career—flitting from one trend to the next, leaping on commercial bandwagons better left to others—Hubbard's stature as one of the great modern jazz trumpeters has remained unchallenged. At his best, he combines classic hard-bop soulfulness with the questing vision of the sixties' modal pioneers. Feb. 24-25: The **PETE YELLIN** quartet. Feb. 26: The **ROLAND VAZQUEZ** quintet. The **BILLY HARPER** quintet takes over Feb. 27-March 1. The seventies had their share of Coltrane-inspired tenorists with imperious tones and volcanic energy, but something—poetry, perhaps—always set Harper apart. His recent work with Randy Weston and with his own electrifying group has proved that he's still in touch with the muse. Dining.

BLUE NOTE, 131 W. 3rd St., near Sixth Ave. (475-8592)—Through Feb. 23: The **ROY HAYNES** quartet and the **GONZALO RUBALCABA** trio. Having played with Lester Young, Charlie Parker, and John Coltrane, drummer Haynes could well rest on his laurels. Instead, he takes his role as elder statesman very seriously, nurturing new talent and handing down the secrets of the art of leading an airtight small group. With each cascading phrase, Cuban pianist Rubalcaba reminds us that we have Fidel Castro to thank for the presence here of such rampant virtuosity. Feb. 25-March 2: A pair of British ensembles. The trademark sound of the **GEORGE SHEARING** quintet—that mellifluous blend of unison piano, vibraphone, and guitar lines floating atop undulating rhythms—soothed fifties America when it needed soothing. This contemporary version of the group should embody the leader's concern for form, tonal beauty, and decorum. / **AZIMUTH** is a strangely captivating chamber-jazz group consisting of three celebrated players from across the pond: pianist John Taylor, vocalist Norma Winstone, and trumpeter Kenny Wheeler. Dining.

CARLYLE HOTEL, Madison Ave. at 76th St. (744-1600)—The Café Carlyle, a snug, windowless enclave in the doorman district, features discreet waiters, wraparound pastel murals, and, through late March, the amazing **EARTHA KITT**. . . ♪ Across the hall, in Bemelmans Bar, pianist **PETER MINTUN** is in charge.

IRIDIUM, 44 W. 63rd St. (582-2121)—Through Feb. 23: The **PHAROAH SANDERS** quartet. With his talent for titanic eruptions now tempered by an equal flair for emotive ballads, Sanders has become the complete saxophonist. Feb. 25-March 2: Look, Ma, four hands! **STANLEY JORDAN**'s ability to wrest symphonic landscapes from his guitar continues to astound. March 4-9: The **JOHN SCOFIELD** quartet. Dining.

KNICKERBOCKER, 33 University Pl., at 9th St. (228-8490)—An Old New York kind of place, with dark wood panelling, white tablecloths, and brass figurine lamps. Feb. 19-22: **STEVE KUHN**, a marvellous pianist who finds new vis-

tas in old standards, backed up by a first-rate rhythm section: bassist **DAVID FINCK** and drummer **KENNY WASHINGTON**. Feb. 26-March 1: Pianist **PETE MALINVERNI** and bassist **JON WEBBER**. **SMALLS**, 183 W. 10th St. (929-7565)—Feb. 21-22: The **JIM ROTUNDI** sextet, featuring **ERIC ALEXANDER**. Feb. 27: The **WAYNE BURNS** quintet. Feb. 28 and March 1: The **BILL SAXTON** quintet. A humongous tenor-sax sound and an inexhaustible spirit get Saxton through any gig; he's a resourceful veteran who deserves a much wider audience. Stocked to the gills with exciting new players, the **JASON LINDNER BIG BAND** now holds court every Monday.



Benny Green, at the Village Vanguard.

SWEET BASIL, 88 Seventh Ave. S., at Bleecker St. (242-1785)—Through Feb. 23: The **MARTY EHRLICH** quintet. We have seen the future of jazz, and it's—Marty Ehrlich? Maybe not, but wishful thinking can't hurt. Making some of the smartest music around, this exceptional saxophonist and clarinetist revels in post-sixties freedoms: modernist harmony, freewheeling expressionism, and cross-conversational counterpoint, with structure and swing keeping tight guard all the while. His bandmates—drummer **BILLY DRUMMOND**, pianist **MICHAEL CAIN**, bassist **MICHAEL FORMANEK**, and saxophonist **STAN STRICKLAND** (Boston's best-kept secret)—are urgent players with limitless resources and imagination. Feb. 25-March 2: With his green-apple tone and his eagle vision, saxophonist **OLIVER LAKE** has fashioned the still pertinent urges of the avant-garde into a language of his own. A mainstay of the World Saxophone Quartet, he asserts his continuing allegiance to Eric Dolphy and Ornette Coleman in his own projects. Dining.

VILLAGE GATE, 240 W. 52nd St. (307-5252)—Through Feb. 22: The **VALERY PONOMAREV** quartet. Feb. 25-March 1: The **WARREN VACHE** quartet, featuring guitarist **JOE PUMA**. Vache is here to remind us that the trumpet was hot long before bebop. A supremely lyrical player whose honeysuckle tone summons up Louis Armstrong, Bunny Berrigan, and Bobby Hackett, he pumps fresh blood into the classics. Dining.

VILLAGE VANGUARD, 178 Seventh Ave. S., at 11th St. (255-4037)—**BENNY GREEN** is in through Feb. 23. Having shaken off a nasty case of the funkies (that insidious affliction that makes pianists play rote blues lines and hoary stock phrases that were old when Ray Charles was using them), Green has blossomed into a first-rate mainstream stylist. His new "Kaleidoscope" is his most fully realized recording, and the terrific unit that contributed to its success is on hand here: guitarist **RUSSELL MALONE**, altoist **ANTONIO HART**, and the knockout rhythm section of bassist **RON CARTER** and drummer **LEWIS NASH**. Feb. 26-March 2: The granddaddy of all Monday-night big bands, the **VANGUARD JAZZ ORCHESTRA**, celebrates its thirty-first anniversary. Outliving both of its founders—flugelhornist, composer, and arranger Thad Jones and drummer Mel Lewis—the orchestra has taken on a thriving artistic identity of its own. It's a powerhouse aggregation utilizing New York mainstays who refuse to let a speck of dust settle on them.

VISIONES, 125 Macdougall St., at W. 3rd St. (673-5576)—He's been on the scene for years now, but suddenly the prodigious talents of pianist **KENNY WERNER** are coming into sharp relief, thanks to his captivating work with Joe Lovano, the Vanguard Jazz Orchestra, and his own coil-action trio. His dazzling and unpredictable playing reflects the darting permutations of jazz history itself. Feb. 25: The **MARK HELIAS** group. Judging from his individualistic work with the late drum master Ed Blackwell, saxophonist Dewey Redman, and others, it's clear that bassist Helias is one of the unsung heroes of the past two decades. His own bands are committed to the new.

ROCK, ETC.

BOTTOM LINE, 15 W. 4th St., at Mercer St. (228-6300)—Feb. 21: An evening called "Bluebird Style," part of the Writers in the Round series, with hosts **RICHARD BARONE** and **JULES SHEAR** and guests **SUSAN COWSILL**, **PETER HOLZAPPEL**, and **TERRI ROCHE**. A celebration of the music of Townes Van Zandt (who died Jan. 1) takes place on Feb. 23 and features **JOE ELY**, **ROSIE FLORES**, and **MIKE AND MARGO TIMMINS**. Feb. 24: A gaggle of Grammy nominees: **MATRACA BERG**, **JIMMIE DALE GILMORE**, **RAUL MALO** (of the Mavericks), **KIM RICHIE**, **GILLIAN WELSH**, and **DAVID RAWLINGS**. Feb. 25: Seventies Western-swing legends **ASLEEP AT THE WHEEL**. March 1: Another evening of "no-risk" listening devoted to lesser-known artists who deserve national exposure: the **BAD LIVERS**, **JENIFER JACKSON**, the **NUDES**, and **ELIZA THOMASIAN**.

BROWNIES, 169 Avenue A, at 10th St. (420-8392)—Feb. 22: Groovy instrumental rock with **TRANS AM**. Feb. 25: **LAZLO BANE**, a fine up-and-coming band whose new record is called "11 Transistor." March 1: Powdered-wig pomp with the **UPPER CRUST**.

CHICAGO B.L.U.E.S., 73 Eighth Ave., at 13th St. (924-9755)—Buddy Guy may be better-known, but **OTIS RUSH** (Feb. 21-22) has been nipping at his ankles for more than four decades. Rush is nothing if not intense: his phrasing stings with a lyricism just this side of murderous, and his pledge "I've been wronged, but I won't be wronged again" is just as chilling. Dig out the first Led Zeppelin album to gauge his seminal influence on rock. Feb. 28: **CAREY BELL**, an accomplished disciple of harmonica masters Little Walter (Jacobs) and Big Walter Horton. March 1: The sharp, scratchy guitar of veteran **HUBERT SUMLIN**, who played in Howlin' Wolf's band for twenty years.

IRVING PLAZA, 17 Irving Pl., at 15th St. (777-6800)—Feb. 21: A set of early nuggets from **THEY MIGHT BE GIANTS**. Feb. 23: Some women spend their formative years listening to the Supremes, some to the Ramones; the members of **L7** spent them listening to Mötörhead. On their new album, "The Beauty Process," they continue to flex their muscles with a vengeance. Feb. 25: **JOHN HIATT**. While critics have been singing Hiatt's praises for more than two decades, it's been mostly country artists who've turned his rootsy songs into hits.

RICHARD MERKIN

CHAOS

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His recent mandolin-driven album, "Walk On," is full of tunes that dissect modern life with the twin Hiatt trademarks, intelligence and wit. **KNITTING FACTORY**, 74 Leonard St., between Broadway and Church St. (219-3055)—Feb. 19: A bill featuring former Minutemen bassist **MIKE WATT**, local alternative rockers **BABE THE BLUE OX**, and **ELLIOTT SHARP'S TECHTONICS**. Feb. 20: **HYPNOSONICS** (with Morphine's Mark Sandman and Dana Colley), guitarist **MARC RIBOT**, and sound sculptors **SPANISH FLY**. Feb. 21: **JOHN ZORN** and **YAMATAKA EYE**. Feb. 22: **LUNA**. Led by Harvard grad Dean Wareham, who drove Galaxie 500 to college-rock greatness, this New York quartet makes a dreamy kind of music so frankly derivative that it's both disposable and eternal. Feb. 23: **LOU REED**. New York's finest monotonic rock singer returns to the club stage with a bundle of songs from last year's "Set the Twilight Reeling," his first album since he fell for his latest muse, Laurie Anderson (see below). He sounds like a man who's getting "a fourteenth chance at this life," as he sings in a tune called "Trade In," and, though the sonically primitive rock-and-roll animal may not have mellowed, he's nevertheless in a romantic and openhearted mood. **YO LA TENGO** (Feb. 25) has a flair for crisp, three-minute pop songs and for interminable feedback experiments. Feb. 26: **JOHN LURIE AND THE LOUNGE LIZARDS**. You've got to hand it to Lurie. For almost twenty years now he's been daring listeners to decide: poseur or visionary? Either way, it's hard not to like the Lizards' wacky G-man shtick. Feb. 27: **LAURIE ANDERSON**. Having found love (with Lou Reed, no less), survived a near-death experience (in the Himalayas), and made her debut on CD-ROM (which is where she always belonged anyway), the Buckminster Fuller of performance art brings her wacky scene back downtown. Feb. 28: As a pianist, **CECIL TAYLOR** is, shall we say, a bit more expansive than **PHILIP GLASS**; if Glass is the Lincoln Center fountain, then Taylor is Victoria Falls. But this double recital by iconoclastic opposites promises to fascinate as much for its differences as for its possible connections. Come early—the joint will be mobbed. March 1: What with their Marlboro Man looks and their slithering, down-and-dirty "velvet metal" (as it's been called), **GIRLS AGAINST BOYS** have an effortless sex appeal that most indie bands would trade their well-studied geek cool for. **MERCURY LOUNGE**, 217 E. Houston St. (260-4700)—If you're interested in a fresh crop of post-punk songwriters, you'll have a tough time beating the Feb. 19 triple bill of **ALEJANDRO ESCOVEDO**, the **FRANCIS DUNNERY** band, and **JOSEPH ARTHUR**. Feb. 25: Gospel diva **THORNETTA DAVIS**. Feb. 26: Tatooed East Village folk hero **DANIEL CARTIER**. Feb. 28: **RUN ON**. Their recent debut, "On/Off," sounds like it was written and recorded in an afternoon, but it's altogether too brainy to qualify as your average slacker soundtrack. Live, the band has been known to make a mighty impressive noise. **TRAMPS**, 51 W. 21st St. (727-7788)—Feb. 21: **THROWING MUSES**. Led for more than ten tumultuous years by the pixieish singer Kristin Hersh (whose new baby is in tow on this tour), the Muses shift between guitar mayhem and swirling, otherworldly realms. The **CONNELLS** (Feb. 22) play the kind of edgy, melodic, lyrically oblique songs that, about ten years ago, got them labelled "the next R.E.M." They've just released an E.P., "New Boy," which features live tracks, new material, and a Jethro Tull cover. With Canadian popsters the **ODDS**. Feb. 25: Country-and-Western guitar god **JUNIOR BROWN**. Feb. 28: Although the Manchester-based **JAMES** formed in the early eighties, the group's promising vision of dreamy, cerebral pop never truly came into focus until last year, when the lads hooked up with Brian Eno. Under his guidance, the lovely melodies on James's 1993 album, "Laid," shimmer and swirl, unhindered by the sort of arbitrary tics and digressions that blemish too much alternative rock. The band's live performances are also blissfully shtick-free, so the songs shine through. March 1: **CHUCK BROWN & THE SOUL SEARCHERS**.

ART

MUSEUMS AND LIBRARIES

METROPOLITAN MUSEUM, Fifth Ave. at 82nd St. (879-5500)—"Giambattista Tiepolo." This ravishing assembly—more than sixty works, mostly paintings—strongly suggests that the eighteenth-century Venetian master, a pivot between the baroque and the rococo, is due for a fin-de-siècle reevaluation. (He has been not so much dismissed as sidelined by modernist sensibilities mistrustful of his bravura decorative theatricality.) He was something like the Lubitsch of his day, but an element of frivolity does not preclude greatness. "Hagar and Ishmael," "Time Uncovering Truth," and the "Triumph of Zephyr and Flora" demonstrate his lightness of touch in three very different ways; his self-portrait

GUGGENHEIM MUSEUM, Fifth Ave. at 89th St. (423-3500)—"Rose Is a Rose Is a Rose: Gender Performance in Photography." The title plays on "mannish" Gertrude Stein's most famous line of poetry as well as on the name of Marcel Duchamp's transvestite alter ego, Rose Sélavy. The exhibition's curator, Jennifer Blessing, has assembled eighty photographic portraits and multipart montages by twenty-four artists whose work engages the fashionable topic of the construction of gender identity. But the quality and intelligence of her choices and their juxtapositions make this show anything but a retreat of familiar material. Through April 27. (Open Sundays through Wednesdays, 10 to 6; Fridays and Saturdays, 10 to 8.) **GUGGENHEIM MUSEUM SoHo**, 575 Broadway, at Prince St. (423-3500)—"Bill Viola: Fire, Water, Breath." Two ambitious, large-scale works



Self-portrait by Sherry Kerlin (Thorp).

as "Apelles Painting Campaspe," for all its charm, is in no way trivial. Surely no other painter leavened highly dramatic compositions with more wit and inventiveness. Through April 27. . . . ¶ The Costume Institute's much heralded "Christian Dior" blockbuster displays more than eighty opulent items from the decade beginning in 1947, when the designer first presented his influential New Look. Through March 23. . . . ¶ "Late Klee" showcases twenty seldom seen drawings, paintings, and watercolors from 1925 to 1940. Through April 13. . . . ¶ "The Gods of War: Sacred Imagery and the Decoration of Arms and Armor." (Open Tuesdays through Sundays, 9:30 to 5:15, and Friday and Saturday evenings until 8:45.)

MUSEUM OF MODERN ART, 11 W. 53rd St. (708-9480)—"Willem de Kooning: The Late Paintings, the 1980s." Forty examples from the Abstract Expressionist's final working decade. Through April 29. (For more de Kooning, see Galleries—Uptown.) . . . ¶ "The Maximal Sixties: Pop, Op, and Figuration." Iconic work by Lichtenstein, Oldenburg, Polke, Fahlström, Samaras, and other Aquarian artists. Through April 29. . . . ¶ "Manuel Alvarez Bravo," a retrospective of the Mexican photographer's career (see Photography). Starts Feb. 20. (Open Saturdays through Tuesdays, 11 to 6; Thursdays and Fridays, noon to 8:30.)

of both formal and intellectual daring by one of our preëminent video artists. Using sophisticated technical effects and often startling audio elements, Viola manipulates video in ways that can be overwhelming and even off-putting, but the demands he makes on his viewers are well rewarded. Through March 23. (Open Wednesdays through Sundays, 11 to 6, and Saturday evenings until 8.)

WHITNEY MUSEUM OF AMERICAN ART, Madison Ave. at 75th St. (570-3676)—"Making Mischief," an excellent exhibition chronicling the Dada invasion of New York, from the Great War through the early twenties. Through Feb. 23. . . . ¶ "A Passion for Pictures: Selections from the Charles H. Carpenter Collection and Selections from the Charles Simon Collection." Through March 9. (Open Wednesdays, and Fridays through Sundays, 11 to 6; Thursdays, 1 to 8.)

BROOKLYN MUSEUM, Eastern Parkway (718-638-5000)—"Rediscovering James Brooks: W.P.A. Murals and Other Figural Works" features studies for "Flight," the artist's history of aviation from Daedalus to Pan Am. Through May 11. . . . ¶ "Mistress of the House, Mistress of Heaven: Women in Ancient Egypt" presents amulets, jewelry, statues, painted mummy cases, and other objects, everyday and sacred. Through May 18. (Open Wednesdays through Sundays, 10 to 5.)

HELMUT LANG^{JEANS}

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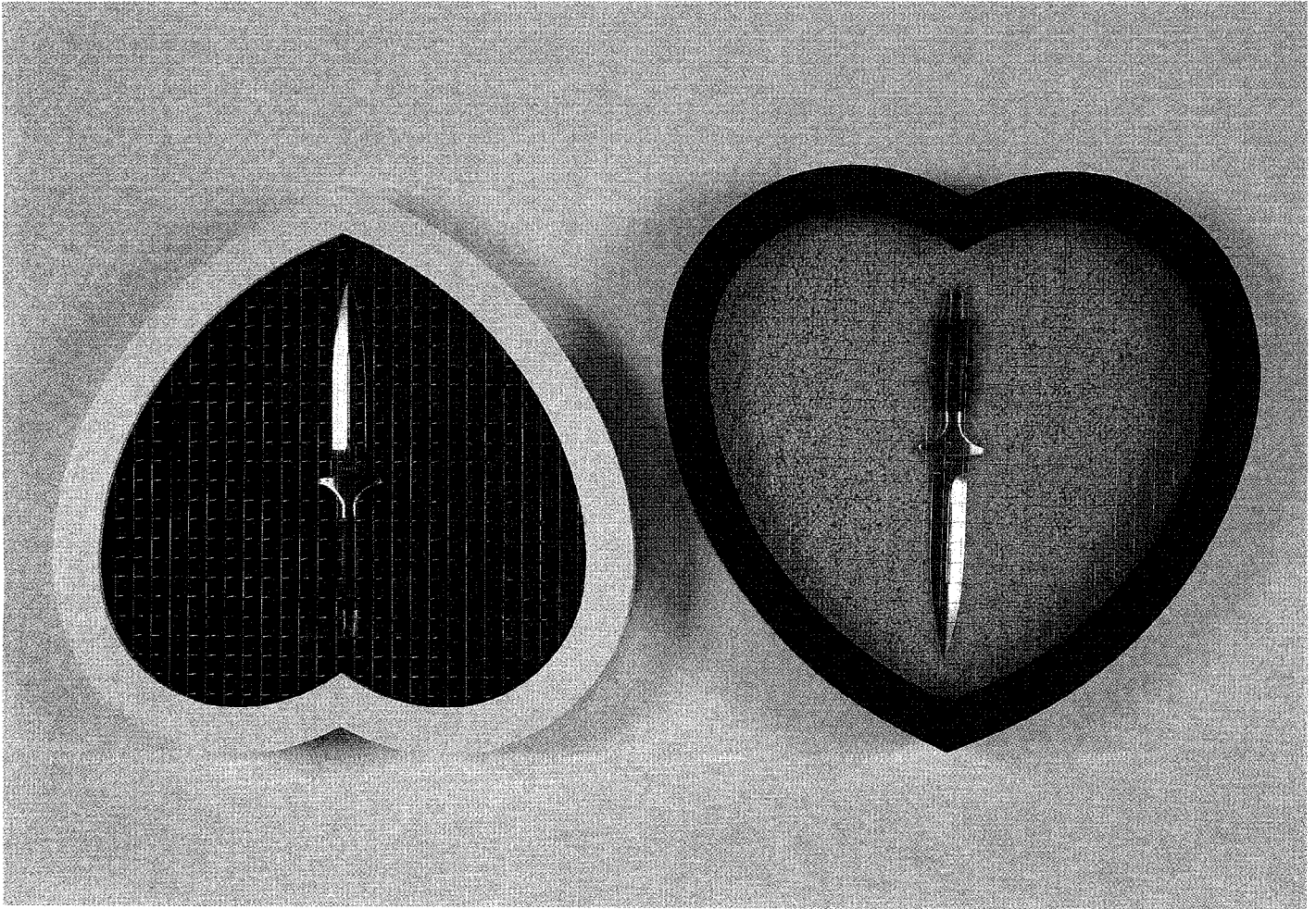
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Heart and Dagger by Robert Mapplethorpe, 1982
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COOPER HEWITT NATIONAL DESIGN MUSEUM, Fifth Ave. at 91st St. (860-6868)—“*Disegno: Italian Renaissance Designs for Decorative Arts.*” This exhibition suggests that during the era under consideration aesthetics shifted from applied artisanship to intellectual endeavor; drawings for forks, andirons, altarpieces, and egg cups chart the virtuoso impulse as it was applied to daily life. Through May 18. (Open Tuesdays, 10 to 9, with no admission charge after 5; Wednesdays through Saturdays, 10 to 5; Sundays, noon to 5.)

FRICK COLLECTION, 1 E. 70th St. (288-0700)—“*Severo and the Sea Monsters*” includes two bronzes by the sixteenth-century Ravenna master. Through March 9. . . . ¶ “*Old Master Drawings from the Ratjen Foundation.*” Through March 2. (Open Tuesdays through Saturdays, 10 to 6; Sundays, 1 to 6.)

JEWISH MUSEUM, Fifth Ave. at 92nd St. (423-3200)—“*Rico Lebrun: The Holocaust Paintings*” raises the usual unanswerable questions about aestheticizing atrocities: the

twelve large-scale works in a drab, limited palette are somehow too rhythmic and beautifully balanced to be as disturbing as they should be. Through April 13. (Open Sundays through Thursdays, 11 to 5:45, and Tuesday evenings until 8.)

MUSEO DEL BARRIO, Fifth Ave. at 104th St. (831-7272)—“*Santos: Sculptures Between Heaven and Earth.*” a modest but excellent exhibition of Caribbean devotional figures, which will be on permanent display. The show includes some fifty Puerto Rican *santos*—small statues of Jesus, the Virgin, the Magi, and various saints—mostly from the late nineteenth and early twentieth centuries. Many were intended for little altars in kitchens or bedrooms; hence, despite the traditional iconography, they speak most powerfully of local, often humble circumstances. (Open Wednesdays through Sundays, 11 to 5.)

MUSEUM OF AMERICAN FOLK ART, Columbus Ave. at 65th St.—“*Henry Darger: The Unreality of Being*” is a retrospective devoted to watercolors and pencil drawings (apparently the

outcome of the artist's childhood in orphanages and an asylum for the feebleminded) of virtuous girls threatened by villainous adults. (Open daily, except Mondays, 11:30 to 7:30.) **MUSEUM OF THE CITY OF NEW YORK**, Fifth Ave. at 104th St. (534-1672)—“*New York Toy Stories*” is a thoroughly delightful collection of some three hundred playthings, both homemade and commercially produced, from the past two centuries. Allow plenty of time, even if you're not taking kids. Through April 27. . . . ¶ “*The Streets and Beyond: New York Photographs*”

ONLY CONNECT



PRIMAL SCREAM (<http://www.ieway.com/~csukbr>)—

As any number of alarmed law-enforcement agents can tell you, there is a dark and squishy side to the Web, and many of the crime sites out there barely keep their noses above the mire of what they're fascinated with. Primal Scream (“a web site devoted to crime and justice”) manages to have it both ways, allowing you glimpses into the subterranean doings of such convicted and accused serial-killer legends as Ed Gein and Charles Ng while maintaining a healthy upwind distance (the more graphic pages here are labelled as such; you're not apt to inadvertently stumble onto scenes of cannibalism). There are even a few splashes of humor, after a fashion, such as Charles Hatcher's statement, apparently from his confession, “I killed three men and you look like one of them.”

Useful pages include a Calendar of Crime, a monthly compendium of fun facts (did you know that the last execution by drawing and quartering in Great Britain took place in February of 1803?), the Drawing Board (police composites of infamous criminals, including everyone's favorite parachuting hijacker, D. B. Cooper); and Criminal Correspondence, wherein the site's true stars shine in their own words. In his famous letter to newspaperman Jimmy Breslin, David (Son of Sam) Berkowitz veers from the demented poetic (“Hello from the cracks in the sidewalks of N.Y.C. and from the ants that dwell in these cracks”) to the downright unctuous (“I also want to tell you that I read your column daily and find it quite informative”). On the downside, Primal Scream sometimes casts its net too wide (why the link to the Women of 1970's Punk page?) and doesn't always deliver the goods. The Ed Gein Photo Graveyard, for instance, tells us too little about the man who inspired Norman Bates and “Buffalo Bill” in “The Silence of the Lambs.” All we learn here is that his mother was a disturbed religious fanatic and that he is “America's most beloved necrophiliac,” which in this context hardly rates a second look.

gathers cityscapes and street-life candids of the turn-of-the-century Lower East Side, twenties traffic, the 1939 World's Fair, fifties rooftop views, and more. (Open Wednesdays through Saturdays, 10 to 5; Sundays, 1 to 5.)

NATIONAL ACADEMY OF DESIGN, Fifth Ave. at 89th St. (369-4880)—“*Theodore Clement Steele.*” The masterly modernist (1847-1926) studied in Munich and worked mostly in his native Indiana; he greatly admired Monet, whose influence is evident in many of these forty-eight serene works. Through March 9. . . .

¶ An exhibition of more than fifty works by the Hudson River School painter Louis Rémy Mignot. Through May 11. (Open Wednesdays through Sundays, noon to 5, and Friday evenings until 8, with no admission charge after 5.)

SCHOMBURG CENTER, Malcolm X Blvd. at 135th St. (491-2265)—“*Bearing Witness: African-American Vernacular Art of the South*” high-

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TASTE OF NEW YORK:

Visa's Preferred Guide to Great Winter Dining

Where do you like to eat in New York? If you're like most people, you've got a priority list of favorite spots all over town. But with so many restaurants to sample in the world's culinary capital, and with new ones opening every day, it would be a shame to stop exploring.

Thanks to Visa, *Taste of New York*, a regularly scheduled feature highlighting many of the city's finest restaurants, makes its debut for *New Yorker* readers. Its focus this time is on great winter cuisine, featuring establishments where some of the world's most innovative and highly regarded chefs perform their labors of love. Whether their cuisines represent contemporary versions of indigenous fare—or constitute a fusion of international flavors, ingredients, and techniques—the results are uniformly spectacular. What's more, each time you use your Visa® card at any of the participating restaurants reviewed in this and in all upcoming *Taste of New York* supplements, Visa will make a contribution to Citymeals-on-Wheels.* (See back page for details.)

With one phone call, a table can be waiting for you at any of the restaurants mentioned here—and with your Visa card you can expect both a first-rate dining experience and an opportunity to show you care.

Illustrations by Linda Bronson

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TASTE OF NEW YORK:

Visa's Preferred Guide to Great Winter Dining

By Susan Breslow

wired and inspired

Alva ▲▲

36 East 22nd Street
212-228-4399

Located in a space formerly occupied by the Chefs' Cuisiniers Club, Alva has emerged as a 90's bistro with a buzz. Like its predecessor, it offers late dining; meals are served until midnight. In homage to its namesake, Thomas Alva Edison, the room is lit by incandescent bulbs that cast light on an eclectic collection of black and white photographs. Chef Aaron Bashy, formerly of Aureole and Le Bernardin, prepares contemporary interpretations of American cuisine. The crispy, fried shrimp cocktail and double garlic roast chicken come highly recommended. Rich desserts include a banana sundae with wild berry coulis and Egg Farm Dairy cheesecake. Cigar-friendly Alva holds regular smokers' dinners; patrons are welcome to bring their own or select from the restaurant's humidor.

spice of life

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206 East 60th Street
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Flavors of the Southwest first began capturing the imagination of New Yorkers two decades ago—and Arizona 206 continues to invigorate palates with its inventive fusion-style cuisine. Done up in colors of the desert, with adobe-type walls, strategically placed cacti, and a wood-burning fireplace, this comfy cavern-like restaurant invites diners to start the fireworks with a Southwestern martini or taste-test from among twenty-five premium tequilas. While deciding on an appetizer, nibble on blue corn muffins. Chef Miles Angelo's starters include ostrich carpaccio seasoned with chile oil and petite tuna tacos, where the heat comes from the *wasabi tobiko* condiment. Consider the chile-crusted lamb chops or Peking duck tamale for your main course. (It's fine to ask the waiter to tone down the spiciness.) But do take on the sweet-hot challenge of molten, Aztec chocolate-truffle cake.

passage to india

Dawat ▲▲ (Fridays and Saturdays only) ■

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212-355-7555

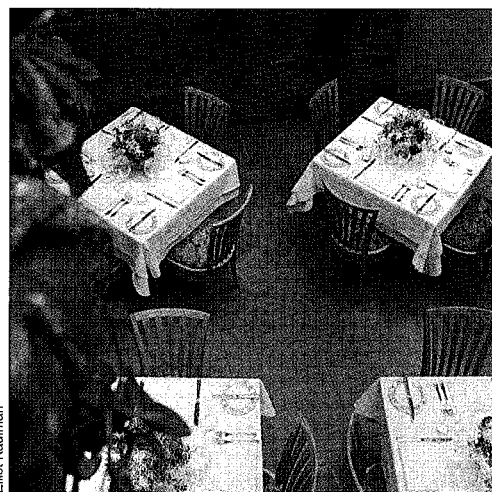
Gutsy, home-style cuisine from the ethnic regions of India—from audacious Bombay street fare to the most sophisticated food of royalty—begins to define the range and excellence of Dawat. Repeat accolades from some of the most credible culinary authorities call it *the country's* best Indian fare. Executive chef (and award-winning author) Madhur Jaffrey is the mind behind the menu. *Raan*—a whole, small leg of lamb marinated in a chili garlic paste first braised with ginger, then roasted in a tandoor—promises to effortlessly fall off the bone and onto the fork. For the more adventurous, cornish hen, a hot specialty, is fired with green chiles and sour tamarind. Cool the palate with vegetable *pillau* flavored with nuts and raisins, *raita* (yogurt with grated cucumber), and a side of *nan*, a made-to-order, tandoor-blistered, flat bread. Or simply segue to dessert and a palate-freshening dish of the house's noted mango ice cream.

italian by design

Felidia ▲▲ (Fridays and Saturdays only) ■

243 East 58th Street
212-758-1479

This converted eastside brownstone opens up to a polished and cozy interior punctuated with wine bins and mahogany paneled walls, terracotta-tiled



Elliot Kaufman

Felidia overview: An Istrian voice of individuality.

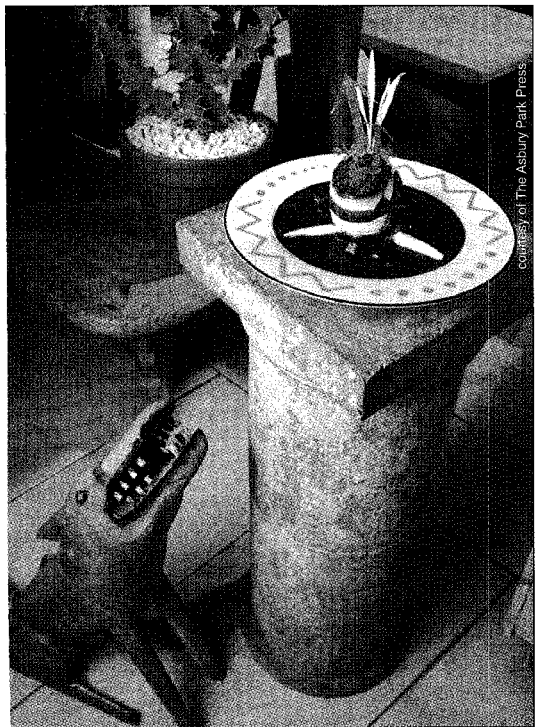
floors, and shelves of crystal decanters. Chef Fortunato Nicotra's Northeastern Italian dishes include homemade stuffed pasta pillows (*krafi*) filled with fontina, asiago, and parmigiano reggiano cheeses, and accented with lemon rind, raisins, and rum. Highlights of the winter season feature robust delicacies like baby pheasant and venison. Or savor the excellence of roasted rack of lamb in a thyme sauce that can be prefaced by a warming wild mushroom and barley soup. Rare specialty wines from small vintners are superb accompaniments to Felidia's hearty cold-weather fare.

cosmopolitan creativity

March

405 East 58th Street
212-754-6272

Cosseted in a turn-of-the-century townhouse with a working fireplace, diners at March experience the warmth and intimacy of a grand private



Arizona 206's inventive presentations continue to ignite.

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home. Its three romantic dining rooms seat but fifty patrons. Chef and co-owner Wayne Nish says, "First and foremost, March celebrates the union of fine wine, food, service, and ambience. My culinary vision is to create a cosmopolitan menu that is global in scope." His New American cuisine—exemplified by a tasty confit and grilled breast of Long Island duck with Turkish figs and tamarind sauce—reflects an interest in diverse ingredients and multicultural influences. Diners choose from either a prix-fixe, three-course seasonal menu or four- and seven-course tasting menus, which both include a mini-dessert sampler. Host and co-owner, Joseph Scalice, has created an award-winning wine list comprised primarily of boutique wines from around the world. A select number are available by the glass, and tasting-menu wines change weekly. Come May, the canopied garden opens.

historic hideaway

One If By Land, Two If By Sea ■
17 Barrow Street
212-228-0822

Located in Greenwich Village, Aaron Burr's former stone carriage house and stable from 1786 is today one of the city's most romantic dining settings. Four fireplaces and tall candles flicker away in this bi-level restaurant; patrons can look out to a private garden with twinkling fairy lights. Be treated to the foie gras with organic purple potato maché and a port fig glaze or sample the cooked shrimp with lobster tail medallions with chanterelle mushroom risotto and truffle oil. Follow up with Beef Wellington (a hallmark entrée) accompanied by wedges of Yukon gold potatoes in a ruby bordelaise sauce. A lighter-than-air chocolate wild berry soufflé alternates on the menu with a passion fruit variety. The classic crème brûlée is a regular, however, and will surely sweeten the deal. Keep an eye open for Alexander Hamilton's former rival who is said to "frequent" the premises.



Cozy, downtown ambience: One If By Land... is one of New York's favorite places to pop the question.

dutch treat

Patroon ■
160 East 46th Street
212-883-7373

An extravagant burgher joint ("Patroon" is Dutch for the man with the rights to an estate), this restaurant opened in November and already has the air of a private men's club. The port and cigar lounge upstairs reinforces that impression. Habitues on its dining room banquettes are treated to chef Franck Deletrain's hearty New York classics. Old favorites such as Caesar salad, shrimp cocktail, New England clam chowder, and porterhouse steak all earn raves. And the spitfire roasted chicken with black truffles and truffled mashed potatoes is nonpareil. Satisfying desserts include rice pudding made from risotto, and banana upside-down cake with macadamia ice cream and caramel sauce. There's a broad selection of wines by the glass, chosen from among the cellar's more than 7,000 bottles.

hellenophiles' haven

Periyali ■ (Fridays and Saturdays only)
35 West 20th Street
212-463-7890

Greek for "seashore," Periyali transports the winter weary to the enticing Aegean with environs of white-washed stucco walls, colorful banquettes, and billowing fabric, which hangs aloft and softens the noise level. Begin with their widely touted *avgolemono* soup, grilled octopus, or a mixed appetizer of cod roe and bread purée, eggplant salad, and cucumbers, yogurt and garlic. Entrées of note include the charcoal-grilled freshwater tilapia or a baked filet of red snapper. Two provocative options are *kouneli stifado* (rabbit stew in red wine with pearl onions and fresh tomato) and salmon steak in phyllo. A lemon-scented variety of creamy rice pudding, an exemplary baklava (of course) or a superb orange semolina cake head the dessert list. Periyali is one of New York's best examples of authentic, contemporary Greek cuisine.

tuscany temptation

Il Toscanaccio ■
7 East 59th Street
212-935-3535

Pino Luongo's "The Naughty Tuscan," open nearly two years now, is a warm and casual terracotta-hued room whose murals depict the Italian region's countryside, markets, and cafés. The menu, under the direction of chef Marta Pulini, takes poetic license with the simple, rustic cuisine of Tuscany. It features palate-pleasing dishes such as *stufatino di vitella nel pane* (a veal-and-vegetable stew presented in a homemade Tuscan bread bowl). Risotto—which owner Luongo calls "the dish of romance; if you rush... it's never good"—alternates ingredients daily. More than 100 Tuscan wines are offered, and a selection of fine cigars is available at



Tuscany and Il Toscanaccio have taken this town by storm.

the bar. In warmer weather, you can enjoy the passing parade from a table at the sidewalk café.

tall order

Windows on the World ■
One World Trade Center, 107th floor
212-524-7000

A \$25-million renovation has transformed Windows into an unrivaled setting for luxurious dining; on a clear day, vistas stretch to ninety miles. In addition to the world-renowned restaurant that reopened in June, Cellar in the Sky and The Greatest Bar on Earth were also retooled by Hugh Hardy and Milton Glaser. Menus, from a team of chefs led by Georges Masraff, reflect Windows' expansive views by offering authentic dishes from around the world. Begin with "a world view of seafood," which presents oysters from both coasts and other delicacies. Exotic main courses include Moroccan chicken stew, and shrimp Scandia sauced with crème fraîche and caviar. The extensive wine cellar is under the direction of expert Kevin Zraly. A napoleon called pinnacle, and made to order for two, is an appropriate dessert in such an elevated setting.

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- Book early. Two weeks is not too far in advance to call for reservations at a top restaurant.
- If you must try a hot new establishment immediately, be flexible about your party's meal time.
- Often regret not ordering something different? Try a tasting menu.
- If you don't like the food, tell the waiter why. A fine restaurant will make every effort to please.
- Have to cancel a reservation? As a courtesy, call if you cannot honor it.
- Use your Visa card and you will be making a contribution to Citymeals-on-Wheels.*

▲ Lunch served

- Late-night dining available (after 10:30 P.M.)
- Private dining room available or private parties accommodated

*(See back page for details.)

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In this city of plenty, there are still many who go hungry. In response, Citymeals-on-Wheels, founded in 1981, provides funds to supplement the weekday meal delivery government program. To qualify for the service, which provides weekend, holiday, and emergency meals, a person must be sixty or over with a chronic physical disability that prevents him or her from shopping and preparing nutritious meals.

Every year, Citymeals-on-Wheels funds the preparation and delivery of nearly 1,500,000 meals to more than 13,000 homebound elderly New Yorkers. In its sixteenth year of public service, Citymeals-on-Wheels is close to realizing its goal: to ensure that every New York homebound senior gets a hot meal and a friendly visit each day of the year.

Last fall, with a grant from Visa, Citymeals-on-Wheels began a national initiative to replicate the fundraising program that has been so successful in New York City. With a grant from Visa, its founding national sponsor, Citymeals-on-Wheels USA hopes to provide meals for homebound seniors throughout the country.

Generous restaurateurs stage benefit events throughout the year on behalf of Citymeals. Private companies provide assistance with grants and employee fund-raisers, often matching individual contributions.

Now, each time you pay for a meal with your Visa card at any of these participating restaurants, Visa will make a contribution to Citymeals-on-Wheels.*

If you would like to know more about this not-for-profit organization or send a personal donation, write to Citymeals-on-Wheels at 355 Lexington Avenue, New York, NY 10017-6603, or call 212-687-1234. One-hundred percent of your donation will be used to support more hand-delivered meals. Contributions are completely tax-deductible.

*Visa has guaranteed a \$100,000 minimum contribution to Citymeals-on-Wheels related to Visa card sales transactions at participating restaurant locations from 2/24/97 through 12/31/97. Void where prohibited or restricted.

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lights woodcarvings, scarecrows, clay figurines, clubhouse frescoes, paintings, and other works by self-taught artists. Through March 29. (Open Mondays through Wednesdays, noon to 8; Thursdays through Saturdays, 10 to 6; Sundays, 1 to 5.)

GALLERIES—UPTOWN

(Unless otherwise noted, uptown and downtown galleries are open Tuesdays through Saturdays, from around 10 or 11 to between 5 and 6; Chelsea galleries are generally closed Tuesdays and open Sundays.)

DUNCAN GRANT (1885-1978)—A wide-ranging exhibition of paintings and designs by one of the Bloomsbury group's leading artists; his work is more notable for its charm and verve than for any major accomplishments. There are some fine finished sketches, including one of the critic Desmond MacCarthy, and one important work, a large, psychologically penetrating portrait of Vanessa Bell. But the most engaging objects are miniatures: some spanking-fresh designs (for a fan, a rug, a hat buckle) produced by the Omega Workshops, the design company established by Roger Fry; a brisk, cheerful watercolor for the book jacket of cousin Julia Strachey's novel "Cheerful Weather for the Wedding"; a needlepoint bellpull, flawlessly executed by Grant's mother. Downstairs, there's a confusingly hung jumble of more modern British art, including several Vanessa Bells. Through March 15. (Davis & Langdale, 231 E. 60th St. 838-0333.)

HOWARD HODGKIN—These prints bulge impressively with meaning. But what is it? In the large lithographs, which dominate the show, the artist liberally applies sponge and splatter to create fields of often lurid color which harbor incongruous juxtapositions of symbols, fragments of the human form, and suggestions of interior space, including a few that imply theatre sets. The most haunting piece is a monochrome etching titled "All Alone in the Museum of Modern Art," although the poetic gloom is more suggestive of a moonlit Japanese teahouse. Through March 8. (Sheehan, 20 W. 57th St. 888-4220.)

BILL TRAYLOR (1854-1949)—Fifty-six works by an artist, born a slave in Alabama. Using mostly pencil and poster paint on scraps of cardboard, Traylor produced images of vibrant freshness and immediacy, full of virile, rumbustious humor, geniality, and a confidence that, considering his circumstances, seems virtually miraculous. Often they carry symbolic charges: "Man with Basket on Head" (shown with the artist's explanation, "Bird on top of the basket and he don't know it") is a fable in itself. Through March 8. (Hirschl & Adler Modern, 21 E. 70th St. 535-8810.)

"AGAINST THE GRAIN"—Paintings by four publicity-shy artists—Howard Daum (1918-88), Norris Embry (1921-81), Sam Glankoff (1894-1982), and Ralph Rosenborg (1913-92)—who shared a late-career surge in productivity. Through March 15. (Snyder, 20 W. 57th St. 262-1160.)

SHORT LIST—**NICK BLOSSER**, Baumgold, 128 E. 72nd St. 861-7338. Through March 8. . . . **JOHN BOWMAN** and **SUSANNA COFFEY**, De Nagy, 724 Fifth Ave., at 57th St. 262-5050. Both shows through March 15. . . . **WILLEM DE KOONING**, Marks, 1018 Madison Ave., at 79th St. 243-0200. Through March 29. . . . **PHILIP GEIGER**, Tatistcheff, 50 W. 57th St. 664-0907. Through March 1. . . . **WILLIAM KIENBUSCH**, Kraushaar, 724 Fifth Ave., at 57th St. 307-5730. Through March 15. . . . **ROBERT MOTHERWELL**, Wallach Art Gallery, Broadway at 116th St. 854-7288. Through March 29. . . . **RON SCHWERIN**, Stone, 113 E. 90th St. 988-6870. Through March 15. . . . **LOUIS COMFORT TIFFANY**, McCoy, 41 E. 57th St. 319-1996. Open Mondays; through April 5. . . . **NEIL WELLIVER**, Marlborough, 40 W. 57th St. 541-4900. Open Mondays; through March 8.

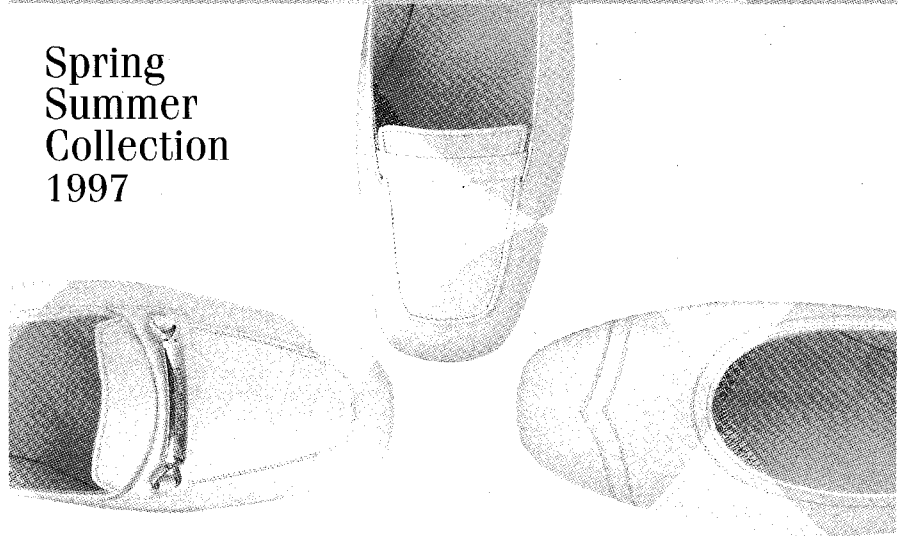
GALLERIES—CHELSEA

PETER CAIN (1959-97)—Three large paintings of a man's sunburned head and six smaller Los Angeles industryscapes. The artist's flat poster palette elicits the familiar ache of home



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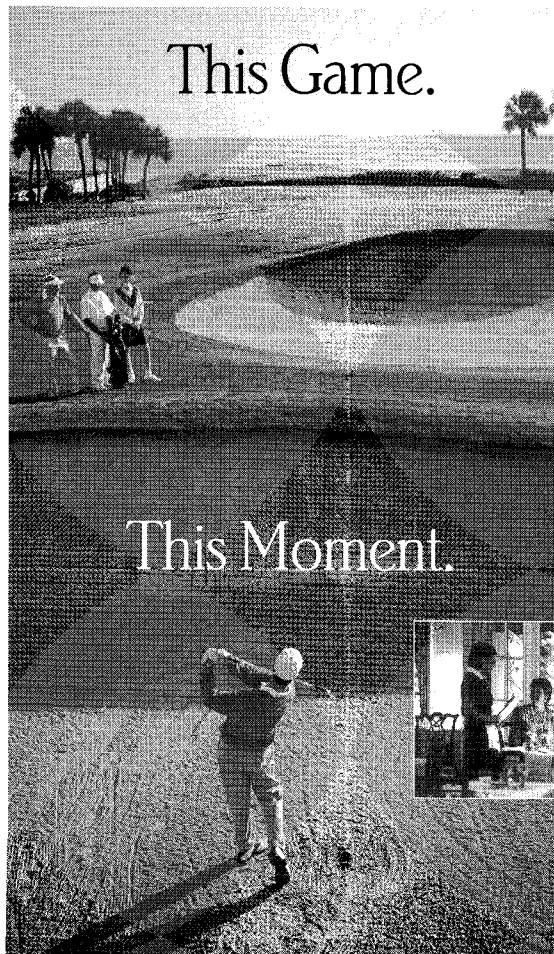
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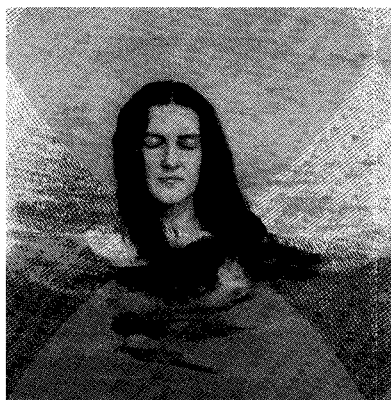


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Eleanor, Chicago, 1949 © Harry Callahan

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videos played on mute; as in his earlier portraits of radically truncated cars, there is a feeling that something is missing, and it's both comical and unsettling. Through March 15. (Marks, 523 W. 24th St. 243-0200.)

SHORT LIST—**MARK BEARD** and **BRUCE SARGEANT**, Wessel and O'Connor, 242 W. 26th St. 242-8811. Both shows through March 9. . . . **JEAN-MARC BUSTAMANTE**, Marks, 522 W. 22nd St. 243-0200. Through April 19. . . . **ALEX KATZ**, Greene Naftali, 526 W. 26th St. 463-7770. Through March 16. . . . **KEVIN LANDERS**, XL, 504 W. 22nd St. 462-4111. Through March 2. . . . **JAMES SADEK**, Kravets/Wehby, 529 W. 21st St. 352-2238. Through March 2. . . . **TERESA SERRANO**, Nosei, 530 W. 22nd St. 741-8695. Through March 5. . . . **MARNIE WEBER**, Fredericks, 504 W. 22nd St. 633-6555. Through March 2.

GALLERIES—DOWNTOWN

SHERRY KERLIN / JUDITH LINHARES—Ink drawings in a shadowy palette. From across the room, the works have a clear form, a gothic preoccupation with death (skulls, hooded figures, dark visitors behind a curtain), and the gruesome calm of early American art; as you approach, they dissolve into indefinite grays. / Figurative paintings and gouaches rendered in a carefully contrived faux-naïve style. The artist has apparently been looking at children's books, and all is not well in the nursery. Her creepily distorted pets are the real winners here—the dog in "Cage," for example, whose emaciated body is topped by a bloated, pumpkinlike head. Both shows through March 1. (Thorp, 103 Prince St. 431-6880.)

KEN LUM—"Photo-Mirrors," a series of dresser-size mirrors with snapshots inserted into their frames, so that as you view these modest personal talismans you are also looking at yourself. Although Lum has done good conceptual work in the past, this show looks more like an art-world parody. Through March 8. (Rosen, 130 Prince St. 941-0203.)

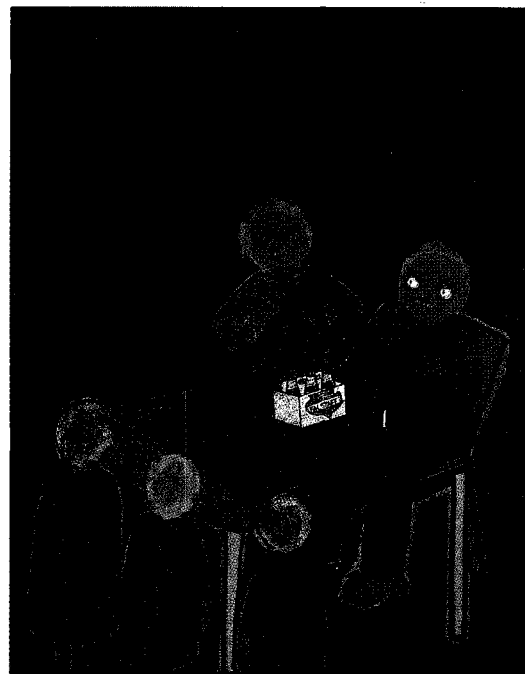
ANNETTE MESSEGER—"Dépendance/Indépendance (1995-97)," a complex installation by the eminent French artist, incorporating black-and-white photographs and a wide variety of found materials (mirrors, wigs, light bulbs, taxidermy) in assemblages that hang from the ceiling on single lengths of yarn. Although the work has obvious roots in Surrealism, it maintains an up-to-the-minute vibe. Messenger isn't afraid to trade in emotion; she self-consciously courts an "incorrect" flavor of sentimentality. Through Feb. 22. (Gagosian, 136 Wooster St. 228-2828.)

LINDA ST. JOHN—Bright fabulist drawings of the artist's childhood in Harrisburg, Illinois, done with Cray-pas and a seam ripper. With an electric-orange outline around their teddy-bear bodies, father, mother, and children appear to be on fire. In such works as "Bullet Ride," "Tilt-A-Whirl," and "Love and Minimum Wage," St. John's child's-eye view is part Faulkner, part "Harold and the Purple Crayon." Loose-leaf notebooks at the gallery desk offer accompanying stories (for "Drunk Driving," the text begins: "When he was roaring down the road drunk, one eye closed so he wouldn't see double . . ."), but the innocent horror of the drawings doesn't require amplification. Through March 9. (Bridges and Bodell, 13 E. 7th St, near Second Ave. 477-1820.)

"SCULPTORS' DRAWINGS"—Works on paper by Mark di Suvero, Brower Hatcher, Judy Pfaff, Sue Rees, Mia Westerlund Roosen, and William Tucker. Through Feb. 28. (School of Visual Arts, 209 E. 23rd St. 592-2144.)

SHORT LIST—**CARL ANDRE**, Ace, 275 Hudson St. 255-5599. Opens at 1; through March 31. . . . **ILAN AVERBUCH**, Hoffman, 429 West Broadway, 966-6676. Through Feb. 25. . . . **BETH B.**

Deitch Projects, 76 Grand St. 343-7300. Through March 8. . . . **RICHARD BILLINGHAM**, Lühring Augustine, 130 Prince St. 219-9600. Through March 22. . . . **DAVID BLACK**, DFN, 560 Broadway. 334-3400. Through March 29. . . . **GARTH EVANS**, Carr, 478 West Broadway. 673-5518. Closed Tuesdays; through March 1. . . . **KENNETH GOLDSMITH**, Bravin Post Lee, 80 Mercer St. 966-2676. Through March 7. . . . **BETTY-ANN HOGAN**, Eno, 594 Broadway. 226-5342. Through March 6. . . . **KEVIN LARMON**, Marcus, 578 Broadway. 226-3200. Through March 8. . . . **BARRY LE VA**, Nolan/Eckman, 560 Broadway. 925-6190. Through March 8. . . . **TATSUYA MC COY**, Kreps, 580 Broadway. 965-1911. Through March 15. . . . **AMALIA MESA-BAINS**, Steinbaum Krauss, 132 Greene St. 431-4224. Through March 15.



"Stick Out Your Tongue I Want to Put Out My Cigarette," by Linda St. John (Bridges and Bodell).

AUCTIONS AND ANTIQUES

SOOTHEY'S—Feb. 19: Contemporary art, including paintings by Calder and Warhol. . . . ♣ Feb. 20: Impressionist paintings. . . . ♣ Feb. 21: An arcade sale of modern and contemporary paintings. . . . ♣ Feb. 22: Rare and collectible wines. . . . ♣ March 1: Movie posters. (York Ave. at 72nd St. 606-7000.)

CHRISTIE'S EAST—An auction of moderately priced Old Master and nineteenth-century oils. (219 E. 67th St. 606-0400. Feb. 26.)

DOYLE—A wide-ranging sale of furniture, decorative art, and paintings. (175 E. 87th St. 427-2730. Feb. 26.)

ART DEALERS ASSOCIATION OF AMERICA—Sixty-two dealers convene for the organization's ninth annual show. (7th Regiment Armory, Park Ave. at 66th St. Feb. 20-24. For information, call 940-8925.)

TRIPLE PIER EXPO—Wear comfortable shoes. (Piers 88-92, Twelfth Ave. between 48th and 52nd Sts. March 1-2 and March 8-9, with different stock each weekend. For information, call 255-0020.)

PHOTOGRAPHY

MANUEL ALVAREZ BRAYO—New York pulls out all the f-stops for the Mexican master photographer, who turns ninety-five this year. At the **MUSEUM OF MODERN ART**, a comprehensive retrospective that includes rare prints from the artist's personal archive. . . . ♣ At **THROCKMORTON** (153 E. 61st St.; 223-1059; starting Feb.



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27), forty prints by the artist and his first wife, Lola Alvarez Bravo. . . . At **ROBERT MILLER** (41 E. 57th St.; 980-5454; through March 8), more vintage prints, in cooperation with Throckmorton. . . . At **WITKIN** (415 West Broadway; 925-5510; through May 3), ninety-five prints (including some vintage color) from 1927 to 1996, along with photographs by Collette Alvarez Urbajtel, who married Alvarez Bravo in 1959.

KONRAD CRAMER (1888-1963)—Photographs, paintings, and drawings by a modernist experimenter. Based in Woodstock from 1911 on, he produced accomplished abstract paintings with echoes of Kandinsky and Marsden Hartley. Though he lost the avant-garde faith in the twenties, he executed a geometrical abstract mural for the Dalton School in 1929; a very good study for the mural, in pencil, ink, and pastel, opens the show. A quiet fresco from the thirties, "Bearsville Filling Station," is particularly engaging. By 1935, Cramer had turned decisively to photography, making strong plant and flower abstractions and less effective still-lives. The late photographs of his abstract constructions are the most freethinking images on view. Through March 2. (Morthland, 225 Tenth Ave., at 23rd St. 242-7767. Opens at noon.)

KENRO IZU—Exquisite platinum-palladium contact prints, each made from an enormous fourteen-by-twenty-inch negative, of Angkor Wat, Angkor Thom, Bayon, and other Khmer temples in Cambodia. Through Feb. 22. (Greenberg, 120 Wooster St. 334-0010.)

ELI REED—"Black in America," a retrospective of work by a leading photojournalist, including images from Nicaragua, Lebanon, Panama, Haiti, Zaire, and Washington, D.C. Through March 8. (Leica, 670 Broadway. 777-3051. Opens Saturdays at noon.)

JOEL STERNFELD / ROBERT FRANK—Large color portraits, mostly from the nineties, of Americans seen in the context of their daily lives. / Photographs taken in the flower district of Paris between 1949 and 1951. Both shows through Feb. 22. (Pace Wildenstein MacGill, 32 E. 57th St. 759-7999.)

"BLIND SPOT" GROUP SHOW—A post-Valentine's Day confection of contemporary works by Marianne Courville, Dorte Eissfeldt, Richard Misrach, Abelardo Morrell, and others. Through March 2. (Morthland, 225 Tenth Ave., at 23rd St. 242-7767. Opens at noon.)

"HOPE PHOTOGRAPHS"—A wide-ranging selection of work by ninety contemporary artists, including Mario Cravo Neto, Flor Garduño, Ernesto Bazan, Andrea Modica, Ann Rhoney, and Mitch Epstein. Through March 1. (National Arts Club, 15 Gramercy Park S. 475-3424. Open Wednesdays through Mondays, 11 to 6; Tuesdays, 3 to 6.)

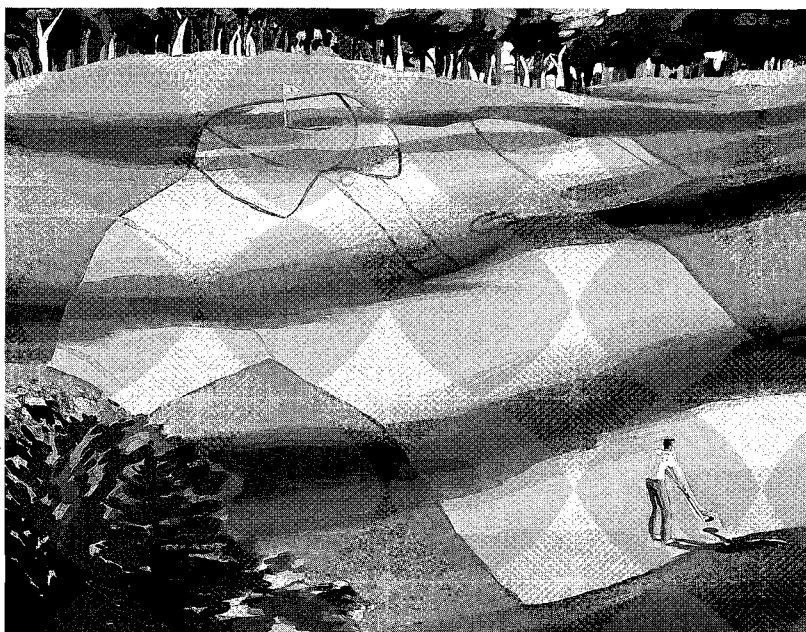
"ZEITGEIST BECOMES FORM: GERMAN FASHION PHOTOGRAPHY, 1945-1995"—Close to two hundred works by thirty-nine photographers, in an uneven but enjoyable two-gallery show. The Zeitgeist is more apparent in the earlier works at the Hearn gallery, such as Norbert Leonard's 1953 "Television Set," in which a captivating beauty upstages an out-of-focus TV. Regi Relang made very fine dress studies, but her "Young Karl Lagerfeld as a Designer for Jean Patou" (1959) is a must-see for mavens. Through Feb. 23. (Hearn, 727-7366, and Morris Healy, 243-3753, both at 530 W. 22nd St.)

SHORT LIST—**KARL BLOSSFELDT**, Petzel, 26 Wooster St. 334-9466. Through March 8. . . . **ELINOR CARUCCI**, Ricco/Maresca, 152 Wooster St. 780-0071. Through March 8. . . . **ROSALIE GWATHMEY**, Lowinsky, 578 Broadway. 226-5440. Through Feb. 26. . . . **LOUISE LAWLER**, Metro Pictures, 519 W. 24th St. 206-7100. Through March 15. . . . **DAVID LEVINTHAL**, International Center of Photography, 1130 Fifth Ave., at 94th St. 860-1777. Through March 21. Also at Borden, 560 Broadway. 431-0166. Through Feb. 28. . . . **NICHOLAS NIXON**, Zabriskie, 41 E. 57th St. 752-1223. Through March 15.

(See the museum listings for photography exhibitions at the Guggenheim Museum and the Museum of the City of New York.)

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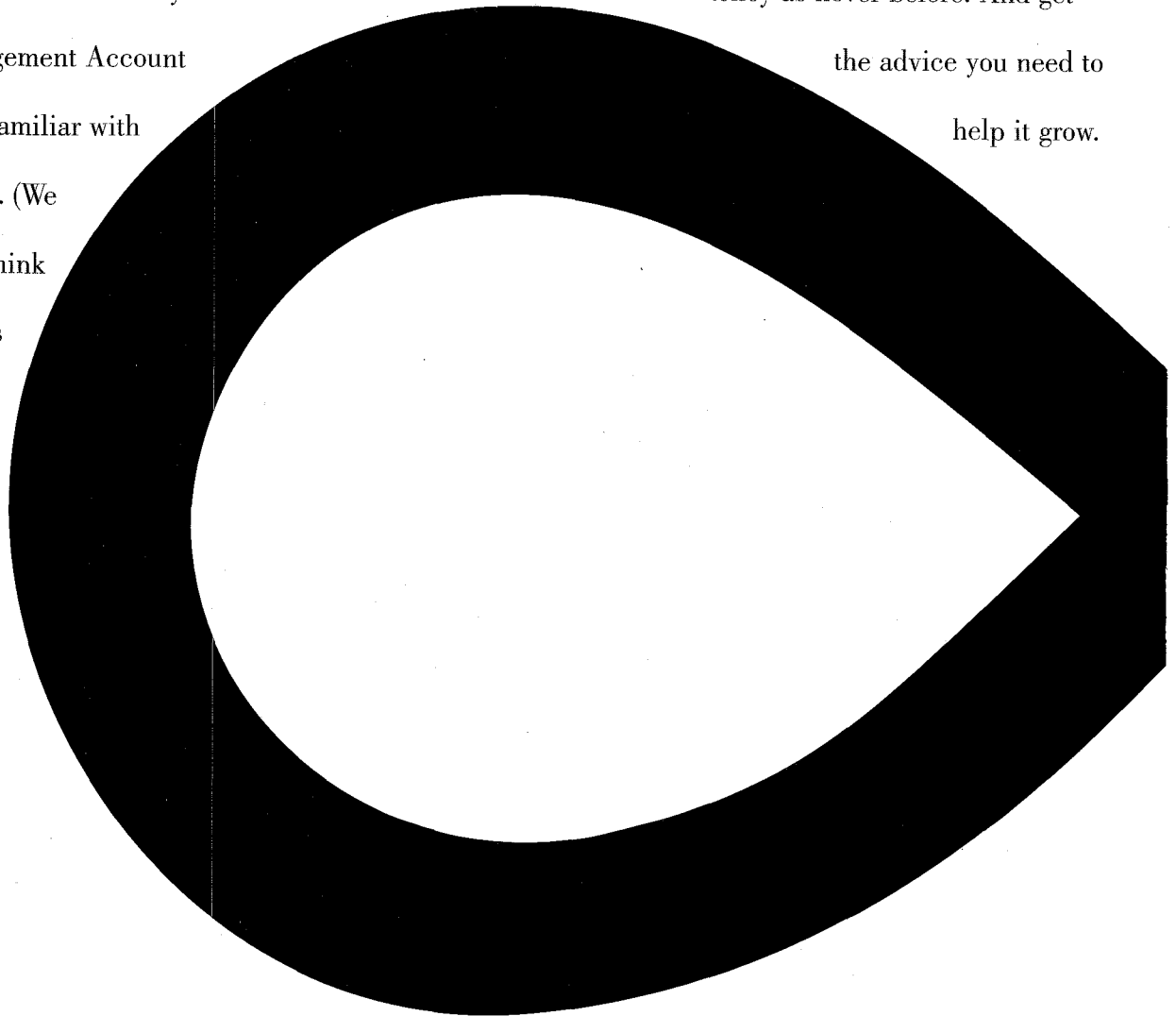
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OPERA

METROPOLITAN OPERA—*UN BALLO IN MASCHERA*, with Aprile Mollo, Youngok Shin, Florence Quivar, Kristján Jóhannsson, and Juan Pons; conducted by James Levine. (Feb. 19 at 8.) . . . With Ms. Mollo, Korliss Uecker, Barbara Dever, Mr. Jóhannsson, and Mr. Pons; Mr. Levine. (Feb. 22 at 8.) . . . With Stefka Evstatieva, Ms. Uecker, Ms. Dever, Mr. Jóhannsson, and Mr. Pons; Franz Vote. (Feb. 27 at 7:30.) . . . With Ms. Mollo, Ms. Shin, Stefania Toczyska, Mr. Jóhannsson, and Mr. Pons; Mr. Vote. (March 4 at 8.) . . . *LE NOZZE DI FIGARO*, with Hei-Kyung Hong, Heidi Grant Murphy, Susan Graham, Michele Pertusi, and Jeffrey Black; Leopold Hager. (Feb. 20 at 8.) . . . *AIDA*, with Sharon Sweet, Ms. Toczyska, Michael Sylvester, and Sherrill Milnes; Adam Fischer. (Feb. 21 at 8.) . . . With Mr. Pons instead of Mr. Milnes. (Feb. 25 at 8 and March 1 at 1:30.) . . . *WOZZECK*, with Maria Ewing, Falk Struckmann, Mark Baker, Graham Clark, and Michael Devlin; Mr. Levine. (Feb. 22 at 2 and Feb. 24 at 7:30.) . . . *BILLY BUDD*, with Philip Langridge, Dwayne Croft, and James Morris; Stuart Bedford. (Feb. 26 and March 1 at 8.) . . . *LA BOHÈME*, with Ms. Hong, Gwynne Geyer, Richard Leech, and Haijing Fu; Nello Santi. (Feb. 28 and March 3 at 8.) . . . **NOTE:** The annual winners' concert of the Met's National Council Auditions takes place on March 2 at 3. (Metropolitan Opera House, 362-6000.) **"FIERRABRAS"**—Notwithstanding hard-to-kill Romantic notions, Schubert was reasonably suc-

cessful by the time he died, at the age of thirty-one. Many of his songs were quite well known, and a substantial percentage of his compositions were available in published editions. In the area of opera, though, he never scored a hit, largely (it is widely agreed) because he had an unerring instinct for selecting librettos that verged on the idiotic. His 1823 "Fierrabras," a tale of star-crossed lovers caught between the opposing forces of Charlemagne and the Moorish Prince, may well fall short as a drama, but the music is another matter entirely. In this rare concert performance, Robert Bass leads the Collegiate Chorale, the Gay Gotham Chorus, and the Orchestra of St. Luke's. Soloists include soprano Lauren Flanigan, mezzo-soprano Mary Ann Hart, tenor John Aler, bass John Cheek, and actor Werner Klemperer (whose narration should keep things moving). (Carnegie Hall, Feb. 28 at 8.)

ORCHESTRAS AND CHORUSES

NEW YORK PHILHARMONIC—At Avery Fisher Hall, Neeme Järvi conducting. Feb. 19 at 6:45: An hour-long "rush hour" performance comprising the premiere of Olly Wilson's "Shango Memory" and Rachmaninoff's Piano Concerto No. 3 (with Leif Ove Andsnes). . . . ♫ Feb. 20 and Feb. 22 at 8, Feb. 21 at 11 A.M., and Feb. 25 at 7:30: A packed evening for aficionados of American symphonic music, comprising Mr. Wilson's "Shango Memory," Sessions's Symphony No. 1, and Randall Thompson's Symphony No. 2, in addition to Rachmaninoff's Piano Concerto No. 3 (with Mr. Andsnes). . . . ♫ Feb. 27, March 1, and March 3 at 8, and Feb. 28 at 2: Haydn's Symphony No. 86, Eino Tamberg's Trumpet Concerto (featuring Philip Smith, the orchestra's principal trumpeter), and Brahms's G-Minor Piano Quartet (as expanded for orchestra by Schoenberg). **CONCORDIA ORCHESTRA**—The chamber orchestra performs Bolcom's Violin Concerto (with Nadja Salerno-Sonnenberg), Michael Nathaniel

Hersch's Elegy for String Orchestra, and works by David Rimelís and Christopher Rouse. Marin Alsop conducts. (Alice Tully Hall, Feb. 20 at 8.)

NATIONAL TRADITIONAL ORCHESTRA OF CHINA—This ensemble of Chinese classical and folk instruments performs several traditional works as well as the premiere of Bright Sheng's "Spring Dreams for Violoncello and Orchestra of Traditional Chinese Instruments" (featuring cellist Yo-Yo Ma). Hu Bingxu conducts. (Carnegie Hall, Feb. 20 at 8.)

STONEWALL CHORALE—"Every small town in the United States boasts a five-and-ten-cent store and a Boulanger student," quipped Virgil Thomson, one of the myriad American composers whose musical upbringing included a stint in Nadia Boulanger's classes at the American Conservatory at Fontainebleau or in her fabled apartment on the Rue Ballu in Paris. In this concert, Nancy Vang directs works by seven of those composers: Thomson, Copland, Carter, Corigliano, Sessions, Irving Fine, and Louise Talma. (Alice Tully Hall, Feb. 22 at 8.)

BRANDENBURG ENSEMBLE—Violinist Jaime Laredo leads the chamber orchestra in works by Bach, Mozart, and Haydn, with violinist Leila Josefowicz and pianist Andreas Haefliger joining him in solo roles. (Avery Fisher Hall, Feb. 23 at 3.)

POMERIUM—Alexander Blachly directs the men's vocal group in works from the Renaissance, by Dufay, Busnois, Gesualdo, and others. Presented by Music Before 1800. (Corpus Christi Church, 529 W. 121st St. 666-9266, Feb. 23 at 4.)

NEW YORK CHORAL SOCIETY—John Daly Goodwin directs the choir and an ad-hoc orchestra in Brahms's "A German Requiem" (with soprano Heidi Grant Murphy and baritone Christopher Schaldenbrand) and his "Alto Rhapsody" (featuring mezzo-soprano Florence Quivar.) (Carnegie Hall, Feb. 23 at 7.)

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CLARION MUSIC SOCIETY—The organization's first concert since the passing, in late December, of its founder and longtime musical director, Newell Jenkins, is an all-Vivaldi program performed on period instruments, with soloists Julianne Baird (soprano), Bruce Haynes (oboe), Andrew Schwartz (bassoon), Louise Schulman (viola d'amore), and Olav Chris Hendriksen (lute). Frederick Hammond leads from the harpsichord. (Kaye Playhouse, Hunter College, Park Ave. at 68th St. 772-4448. Feb. 24 at 8.)

MARIAN ANDERSON TRIBUTE—Pinning down the contralto Marian Anderson's centennial has been problematic: even the reliable editors of the Grove's musical dictionaries have had to revise their estimate of her birth year, from 1902 (in the 1980 "New Grove") to 1899 (in the 1992 opera offshoot)—and now everyone accepts February 27, 1897, as the date of her birth. Ms. Anderson, who died in 1993, is scarcely the only diva to have shaved some years off her age, but in her case those few years carry an added poignancy. In 1955, when she became the first African-American singer to penetrate the color line at the Metropolitan Opera, most witnesses cheered even while acknowledging that, after fifty-three years, the voice was losing its blush. That she was actually fifty-eight makes her achievement all the more remarkable. Anyone who would like to hear her voice at its glorious, velvety prime can bask in the recital of arias and spirituals newly released by Nimbus Records (NI 7882), with Robert Shaw conducting oratorio excerpts. Mr. Shaw also leads this centennial concert, which includes performances by sopranos Jessye Norman and Sylvia McNair, mezzo-sopranos Florence Quivar and Denyce Graves, the Orchestra of St. Luke's, and the Morgan State University Choir. (Carnegie Hall. Feb. 27 at 7. . . . **NOTE:** Ms. Anderson's life is the subject of the current exhibit in Carnegie Hall's Rose Museum; there you can see her birth certificate, which is clearly dated 1897.)

BALTIMORE SYMPHONY ORCHESTRA—David Zinman conducts Barber's Second Essay for Orchestra, Dvořák's Violin Concerto (with Pamela Frank), and Sibelius's Symphony No. 2. (Carnegie Hall. March 1 at 8.)

NEW YORK CHAMBER SYMPHONY AND CHORUS—Gerard Schwarz leads Haydn's "Little Organ" Mass and Schubert's oratorio "Lazarus" (in what appears to be the work's American premiere). (Alice Tully Hall. March 1 at 8 and March 2 at 5.)

CANTERBURY CHORAL SOCIETY—Charles Dodsley Walker conducts Honegger's "King David." (Church of the Heavenly Rest, Fifth Ave. at 90th St. March 2 at 4. Tickets at the door.)

ORATORIO SOCIETY OF NEW YORK—Despite its mournful mien, Gounod's quarter-hour patriotic cantata "Gallia" (composed in 1871, for soprano solo, chorus, organ, and orchestra) gained early popularity as a celebration piece; in its first year, it was sung at both the opening of the London International Exposition and the reopening of the Paris Conservatoire (with the composer's English mistress as the soprano soloist—much to Mme. Gounod's distress). It's rarely heard today (in fact, the first recording has just been released, on the Italian Kikko Classic label), but Lyndon Woodside directs it in this concert, alongside Verdi's "Four Sacred Pieces" and Wagner's "Wesendonck-Lieder." The soprano soloist in all three is Sarah Johannsen. (Carnegie Hall. March 4 at 8.)

RECITALS

WOLFGANG HOLZMAIR—The baritone offers a program of songs Schubert set to poems by his friends; pianist Julius Drake assists. (Metropolitan Museum. Feb. 19 at 8.)

SEQUITUR—A concert that traces various threads of contemporary composition, comprising Rzewski's "Jefferson" (an off-the-wall setting of the Declaration of Independence), Berio's "Opus Number Zoo," and works by David Lang, Shirish Korde, and Tan Dun. (Merkin Concert Hall. Feb. 19 at 8.)

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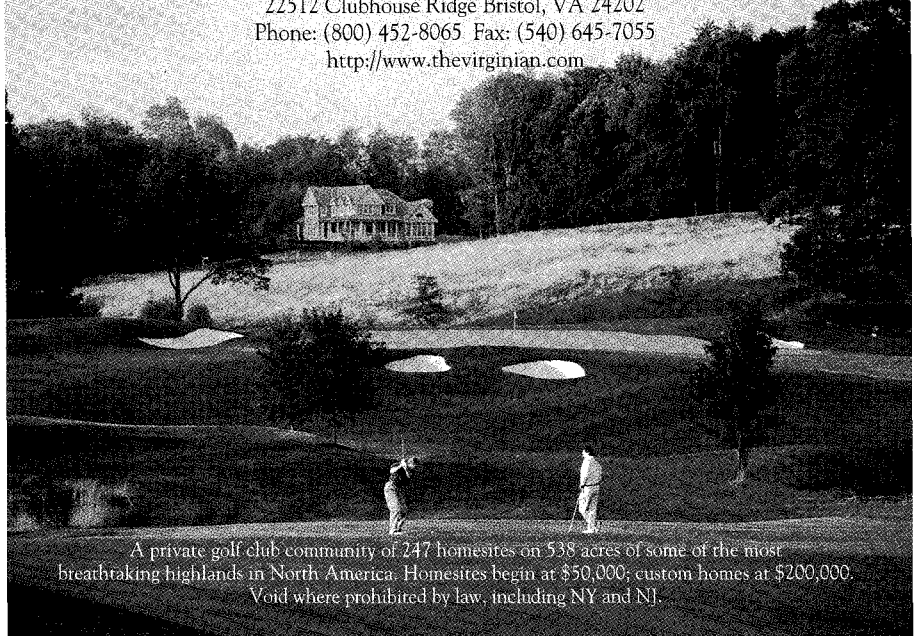
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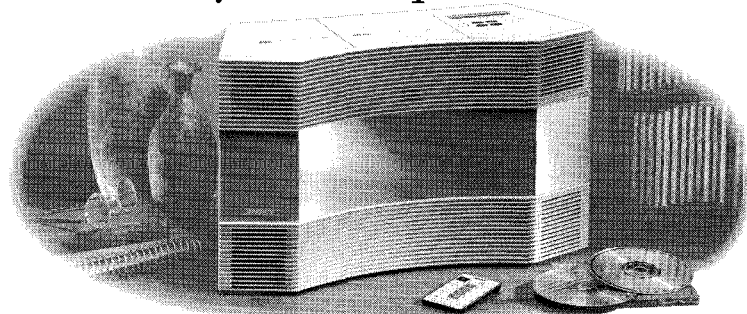


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SCELSI FESTIVAL—Giacinto Scelsi (1905-88) remained obscure until the last years of his life, when he developed a cult following. His intuitive approach, not strongly grounded in traditional compositional technique, has earned him a reputation as a sort of Italian Ives, while his partiality for the musical styles of Asia (particularly of India) suggests Cage. Cellist Frances-Marie Uitti has organized a week of events that will spread Scelsi's oeuvre around town. Feb. 20 at 6: By way of orientation, Ms. Uitti presents a lecture-recital. (Casa Italiana, New York University, 24 W. 12th St. No tickets necessary.) ... ♪ Feb. 22 at 8: The Klangforum Wien ensemble, conducted by Jürg Wyttenbach (a noted Scelsi champion), offers five of the composer's large-scale works. (Merkin Concert Hall.) ... ♪ Feb. 25 at 8: Ms. Uitti plays Scelsi's "The Trilogy," for unaccompanied cello. (The Kitchen, 512 W. 19th St. 255-5793.) ... ♪ Feb. 26 at 8: Chamber works performed by five musicians closely associated with the composer. (Merkin Concert Hall.) ... ♪ Feb. 27 at 8: Music by Scelsi performed in the context of pieces by Feldman and Cage. (Guggenheim Museum Auditorium, Fifth Ave. at 89th St. 423-3587.) ... ♪ March 1 at 8: Continuum, the modern-music group, offers seven chamber works by Scelsi. (Merkin Concert Hall.)

BARGEMUSIC—Feb. 20 at 7:30 and Feb. 23 at 4: Mezzo-soprano Mary Phillips, violist Paul Neubauer, and pianist Pedja Muzijevic perform obbligato songs by Brahms, Charles Martin Loeffler, and others. ... ♪ Feb. 27 at 7:30 and March 2 at 4: Violinist Joseph Silverstein and pianist Stephanie Brown join a trio of Bargemusic regulars—violinist Kerry McDermott, Mr. Neubauer, and cellist Fred Sherry—for a program that includes Haydn's E-Major Piano Trio and Brahms's Piano Quintet. (Fulton Ferry Landing, Brooklyn. 718-624-4061.)

MUSICIANS FROM MARLBORO—Haydn's E-Minor Piano Trio, Shostakovich's Piano Quintet, and Brahms's F-Major String Quintet, performed by pianist Cecile Licad and string-playing colleagues. (Metropolitan Museum. Feb. 20 at 8.)

EMANUEL AX—The pianist performs works by Schubert (including his Sonatas in B Major, D. 575, and A Minor, D. 537) and Liszt. (Carnegie Hall. Feb. 21 at 7:30.)

ADELE MARCUS TRIBUTE—The pianist Adele Marcus joined the Juilliard School's faculty in 1954 (after having served for seven years as a teaching assistant to her own instructor, Josef Lhévinne) and remained until 1990, five years before her death, earning a reputation as a demanding pedagogue whose instruction would either prepare students for solid careers or drive them crazy. In this tribute, seventeen of her students (including Agustín Anievas, John Bayless, Jeffrey Biegel, Byron Janis, Norman Krieger, and Jon Kimura Parker) perform a broad swath of piano repertoire, from Bach and Beethoven to premières by Lowell Liebermann and Daniel Břevbaker. (Carnegie Hall. Feb. 22 at 8.)

THOMAS HAMPSON—The baritone, with Wolfgang Sawallisch (on piano), performing Schubert's "Winterreise." (Carnegie Hall. Feb. 23 at 2.)

KLANGFORUM WIEN—This Viennese ensemble has been an invigorating presence on the modern-music scene, championing not only the works of its director, HK Gruber, but also music from earlier in the century. In this concert, Mr. Gruber leads (and doubles as vocal soloist) in "Frankenstein!!" (his own best-known work) and in four songs by Kurt Weill. A piece by Burkhard Stangl rounds out the program. (92nd Street Y. Feb. 23 at 3.)

NEW YORK PHILHARMONIC ENSEMBLES—Members of the orchestra present Beethoven's C-Minor Piano Trio (Op. 1, No. 3), Toru Nakamura's "Collage in C from Traditional Music from Okinawa," and Conradin Kreutzer's Septet in E-Flat Major. (Merkin Concert Hall. Feb. 23 at 3.)

FOUR NATIONS ENSEMBLE—The period-instrument quartet, assisted by soprano Tamara Matthews, offers music by Handel and his Italian contemporaries. (Merkin Concert Hall. Feb. 23 at 8.)

NEW YORK NEW MUSIC ENSEMBLE—The ensemble performs Louise Talma's "Conversations,"

Jacob Druckman's "Come Round," and the premières of David Liptak's "Giovine Vagha" (based on a ballata by Landini) and Matthew Greenbaum's "Into the Clefts of Streets." (Merkin Concert Hall. Feb. 24 at 8.)

JOSEPH SILVERSTEIN AND LEE LUVISI—The violinist and the pianist perform an all-Schubert program. Presented by the Chamber Music Society of Lincoln Center. (Alice Tully Hall. Feb. 25 at 7:30.)

JORGE CABALLERO—The Peruvian guitarist, winner of the most recent Naumburg Competition, plays works by Bach, Carter, and Ginastera, among others. (Merkin Concert Hall. Feb. 25 at 8.)

TOKYO STRING QUARTET—The foursome offers quartets by Schubert (in B-Flat Major, D. 112), Debussy, and Brahms (in C Minor). (Alice Tully Hall. Feb. 26 at 8.)

NEW YORK FESTIVAL OF SONG—Walton's "Façade" is the keystone in a program of English songs. The performing roster includes narrators Frances Conroy and Brian Murray, soprano Rebecca Evans, baritone Kevin McMillan, pianist Steven Blier, and conductor Michael Barrett. (92nd Street Y. Feb. 26 at 8.)

RUTH LAREDO AND THE BORROMEO STRING QUARTET—The pianist and the ensemble play and discuss Brahms's Piano Quartets in G Minor and in C Minor. (Metropolitan Museum. Feb. 27 at 7.)

IAN HOBSON—The pianist performs sonatas by Haydn and Beethoven (the "Hammerklavier"), Rachmaninoff's Variations on a Theme by Corelli, Ravel's "La Valse," and the première of Benjamin Lees's "Mirrors." (Miller Theatre, Columbia University, Broadway at 116th St. 854-7799. Feb. 27 at 8.)

SANFORD SYLVAN—The baritone, assisted by pianist David Breitman, offers an all-Schubert program that includes seven songs from "Schwanengesang." (Weill Recital Hall. Feb. 28 at 8.)

GUARNERI QUARTET—Performing string quartets by Juan Crisóstomo Arriaga (his Second), Schubert (in A Minor, D. 804), and Kodály (his Second). (Metropolitan Museum. March 1 at 8.)

DAVID FINCKEL AND WU HAN—The husband-and-wife cellist and pianist perform sonatas by Beethoven (in G Minor), Chopin, and André Previn. (92nd Street Y. March 1 at 8.)

EMERSON STRING QUARTET—Beethoven's Quartets in F Major (Op. 59, No. 1) and C Major (Op. 59, No. 3) share the program with a pair of twentieth-century quartets: Webern's Five Movements (Op. 5) and Bartók's Quartet No. 3. (Alice Tully Hall. March 2 at 2.)

ANNE SOPHIE MUTTER—The violinist and pianist Lambert Orkis perform Brahms's three violin sonatas. (Avery Fisher Hall. March 2 at 3.)

DA CAMERA OF HOUSTON—The ensemble, which has made a specialty of exploring links between music and literature, presents works by the Czech composer Erwin Schulhoff (1894-1942), with readings by Kafka interspersed. Schulhoff was all but forgotten in the half-century following his death in a Bavarian concentration camp; but in the past few years his music—ranging from quarter-tone experimentalism to Middle European jazz—has begun to make an impact both in recordings and on the concert stage. (Walter Reade Theatre, Lincoln Center. March 3 at 7:30. For information about tickets, call 875-5050.)

CHAMBER MUSIC SOCIETY OF LINCOLN CENTER—Performing recent works by David Liptak, Martin Bresnick, Steven Mackey, and Osvaldo Golijov. (Merkin Concert Hall. March 3 at 8.)

MUIR STRING QUARTET—The foursome performs quartets by Beethoven (in F Major, Op. 18, No. 1), Bartók (his Third), and Brahms (his Third). (Miller Theatre, Columbia University, Broadway at 116th St. 854-7799. March 4 at 8.)

ABOVE AND BEYOND

HARDBOILED HARDCOVERS—The city's plummeting crime rate may suggest that a certain element is on the run, but on any given day there's no shortage of murders on the shelves of Manhattan bookstores. **MURDER INK** (Broadway at 92nd St.; also Second Ave. at 76th St.) was the first mystery bookstore in the country. It specializes in both new and rare crime fiction. ... ♪ **PARTNERS & CRIME** (44 Greenwich Ave.) has a secret gallery behind the back bookshelves (you enter via a hidden panel), where forums for aspiring mystery writers—led by coroners, former C.I.A. agents, private detectives, and even well-known authors—are held. The shop also rents out mysteries and

sells original book-jacket artwork. ... ♪ **AT BLACK ORCHID** (303 E. 81st St.), some ten thousand books—half of them used paperbacks—fill two floors of a century-old brownstone. ... ♪ Two cases of rare first editions stand at the top of the spiral staircase in **THE MYSTERIOUS BOOKSHOP** (129 W. 56th St.), which, with thirty thousand volumes, bills itself as the world's largest mystery store. The rarest item to pass through was Dashiell Hammett's original manuscript for "The Glass Key," which, the owner reports, "went for a hundred thousand dollars."

ART FOR THE MASSES—The owners of the former Exxon Building, at 1251 Sixth Avenue, have installed a six-by-four-foot monitor as well as a six-by-four-foot grid of monitors in the underground concourse that connects their building with the rest of Rockefeller Center. For the next year, these video walls will be showing works from the Museum of Modern Art's Department of Film and Video by the likes of Bill Viola, Laurie Anderson, Nam June Paik, and Tony Oursler—"the masterpieces of video art," according to the museum. "It's as if we had taken some of our most famous paintings and hung them in a corporate lobby." (Weekdays from 8 to 5, starting Feb. 21.)

READINGS—Feb. 19 at 7: Hanging Loose Press celebrates thirty years of publishing with readings by Sherman Alexie, Charles North, Hettie Jones, and thirty of its other authors. (St. Mark's In-the-Bowery, Second Ave. at 10th St. Tickets at the door.) ... ♪ Feb. 19 at 8: Sportswriter Mike Lupica breaks open his new book, "Mad as Hell." (Rocky Sullivan's Bar, 129 Lexington Ave., near 29th St. No tickets necessary.) ... ♪ Feb. 27 at 6:30: Novelist David Foster Wallace reads from his new collection of essays, "A Supposedly Fun Thing I'll Never Do Again." (Rizzoli, 454 West Broadway. No tickets necessary.) ... ♪ Feb. 27 at 8: Rita Dove, Jamaica Kincaid, Ntozake Shange, and others read from their contributions to "The Norton Anthology of African American Literature," in an evening hosted by the volume's editors, Henry Louis Gates, Jr., and Nellie Y. McKay. (92nd Street Y, Lexington Ave. at 92nd St. 996-1100.)

TALKS—Feb. 19 at 6:30: In connection with the National Academy of Design's exhibition on Theodore Clement Steele, art historian William H. Gerdts discusses the roots of Impressionism in America. (Fifth Ave. at 89th St. For reservations, call 369-4880.) ... ♪ Feb. 24 at 6:30: Lanford Wilson and Tanya Beresin, two of the co-founders of the Circle Repertory Company, join Craig Lucas, Mel Gussow and others to consider the troupe's demise and its legacy. (Bruno Walter Auditorium, New York Public Library for the Performing Arts, Lincoln Center. Tickets at the door.)

WALK—March 2 at 1: Historian Joyce Gold tours that marshland turned home of prominent New Yorkers (and focus of current litigation) Gramercy Park. For more information, call 242-5762.



TWO POLISH

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THROUGH THE

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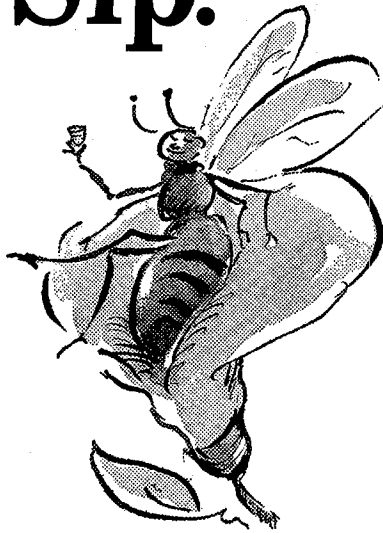


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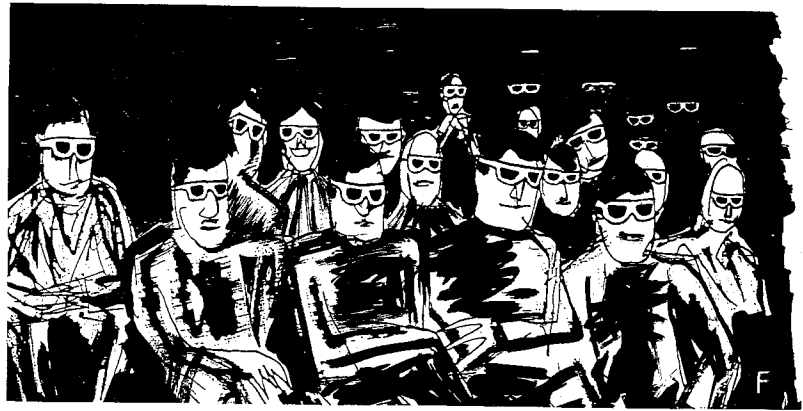
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THE MOVIES

FILMS OPENING

BLOOD & WINE—Reviewed below in Current Films. Opening Feb. 21.

BOOTY CALL—Tommy Davidson, Jamie Foxx, Tamala Jones, and Vivica A. Fox star in a comedy that centers on a double date. Directed by Jeff Pollack. Opening Feb. 26.

COSÌ—The inmates of a mental hospital put on a performance of Mozart's opera "Così Fan Tutte," in a drama directed by Mark Joffe. Opening Feb. 28.

DONNIE BRASCO—Mike Newell's study of the relationship between a federal agent (Johnny Depp) who infiltrates the mob and the hit man (Al Pacino) who befriends him. Screenplay by Paul Attanasio, from a memoir by Joe Pistone. Opening Feb. 28.

HARD EIGHT—Writer-director Paul Thomas Anderson's story of professional gamblers in Reno stars Philip Baker Hall, John C. Reilly, Samuel L. Jackson, and Gwyneth Paltrow. Opening Feb. 28.

KAMA SUTRA—From Mira Nair, a tale of love and betrayal between two friends (Indira Varma and Sarita Choudhury) at a royal court in sixteenth-century India. Opening Feb. 28.

LOST HIGHWAY—A film about love and murder, starring Bill Pullman, Patricia Arquette, and Balthazar Getty. Directed by David Lynch, who co-wrote the script with Barry Gifford. Opening Feb. 21. (Chelsea Cinemas, First & 62nd Cinemas, Lincoln Square, and Village Theatre VII.)

RATS IN THE RANKS—A documentary by Bob Connolly and Robin Anderson on a mayoral election in the little Sydney suburb of Leichhardt. Feb. 26-March 4. (Film Forum.)

ROSEWOOD—A picture based on the true story of the destruction of an African-American town in Florida in January, 1923. Directed by John Singleton. With Jon Voight, Ving Rhames, Don Cheadle, and Esther Rolle. Opening Feb. 21. (Chelsea Cinemas, Lincoln Square, Murray Hill Cinemas, Orpheum VII, 72nd Street East, State, and Village Theatre VII.)

SMILLA'S SENSE OF SNOW—Bille August's film of Peter Hoeg's novel, in which the title character (Julia Ormond) sets out to prove that the death of a Copenhagen boy was not an accident. Script by Ann Biderman. Opening Feb. 28.

CURRENT FILMS

(The signed notes are by Bruce Diones, Sarah Kerr, Anthony Lane, and Terrence Rafferty. If a movie has been reviewed in The Current Cinema, the date of its review is given. Theatre information is listed on page 45.)

ABSOLUTE POWER—A thriller about political intrigue and murder in Washington, D.C., starring Clint Eastwood (who also directed), Gene Hackman, Scott Glenn, Judy Davis, and Ed Harris. Written by William Goldman. (Chelsea Cinemas, Criterion Center, Lincoln Square, Murray Hill Cinemas, Orpheum VII, 64th and 2nd, and Village Theatre VII.)

BLOOD & WINE—The plot of Bob Rafelson's gripping, repellent new thriller is a sticky web in

which every character struggles to entrap the others; few come out of it alive, and none happy. Alex Gates (Jack Nicholson) has a wine business and a failing marriage; when it boils over into violence, his wife (Judy Davis) and stepson (Stephen Dorff) leave home, unknowingly taking with them a diamond necklace (it's good to see an old-style McGuffin again) that Alex and a safecracker (Michael Caine) have stolen. From here on we get a search-and-destroy picture—the kind of film in which a guy can break the legs of a close relative and then call a doctor. The movie itself, for all its thoughtfulness, remains oddly acrid and unlikely; the brutality is a turnoff, and Rafelson the storyteller is at odds with Rafelson the purveyor of mood. Still, the performances are crammed with seediness and pathos, and both Caine and Nicholson offer moving demonstrations of weary middle age, raging against the clock.—A.L. (2/17/97) (Chelsea Cinemas, 84th Street Sixplex, 68th St. Playhouse, State, and Village East Cinemas; starting Feb. 21.)

LA CÉRÉMONIE—Jean-Pierre Cassel and Jacqueline Bisset hire the taciturn Sandrine Bonnaire as their new maid; she teams up with the local postmistress (Isabelle Huppert), and together they work themselves into a malignant fury. Director Claude Chabrol's skill is not in doubt here, but his film, adapted from a Ruth Rendell novel, is surprisingly weak on motive and continuity. In French.—A.L. (1/20/97) (Lincoln Plaza Cinemas and Quad Cinema.)

DANTE'S PEAK—A hopeless, humorless tale of an exploding volcano and a town's demise. It has the stereotypical scene of a dubious town council duking it out with visiting scientists over whether to evacuate (there's a developer ready to invest millions!) and a cast that includes two colorless leads (Pierce Brosnan and Linda Hamilton), two troublesome but cuddly children, a dog, and a grandmother who wades through a lake of sulfuric acid to get her relatives safely to shore. The dialogue is too banal even for a good laugh, and every risky situation is so familiar that you know what's going to happen before you've taken your seat. The special effects aren't very special, either—a little slow-moving lava, some flying boulders, and lots of gray ash. Universal, which invested more than a hundred million dollars in this turkey, deserves to lose every penny of it. Directed, rather shakily, by Roger Donaldson.—B.D. (Baronet, Chelsea Cinemas, Coronet, 84th Street Sixplex, National Twin, Olympia, Orpheum VII, 34th Street Showplace, and Waverly.)

THE ENGLISH PATIENT—Written and directed by Anthony Minghella, from the novel by Michael Ondaatje, this long and searching movie tangles together a number of stories and characters: Almásy (Ralph Fiennes) and Katharine (Kristin Scott Thomas), who have an affair in North Africa before the Second World War; a French-Canadian nurse (Juliette Binoche) who cares for the badly burned Almásy after the war, and the Sikh soldier (Naveen Andrews) she has an affair with; and the mysterious Caravaggio (Willem Dafoe), a scavenging thief who appears to know



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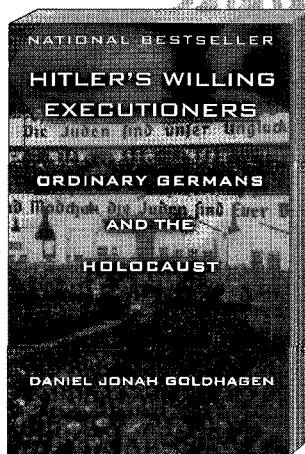
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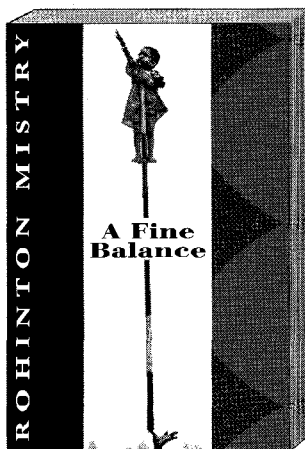
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the secrets of Almásy's past. The triumph of the film lies not just in the force and range of the performances but in Minghella's creation of an intimate epic: vast landscapes mingle with the minute details of desire, and the combination is transfixing.—A.L. (11/25/96) (Chelsea Cinemas, Embassy 3, Lincoln Plaza Cinemas, Murray Hill Cinemas, New York Twin, and Village East Cinemas.)

EVERYONE SAYS I LOVE YOU—Woody Allen's latest movie is one of his frothiest, and weirdest, to date: a throwback picture that tries to resurrect the spirit of thirties musicals without recourse to irony. There is a deliberate roughness to both the singing (which is kind of charming) and the choreography (which is unwieldy and a little graceless). The all-star cast includes Julia Roberts, Tim Roth, Drew Barrymore, and Alan Alda. You emerge bemused but undeniably cheered up, partly because of the uncomplicated magic of the climax, in which Allen dances with an airborne Goldie Hawn on the bank of the Seine.—A.L. (Chelsea Cinemas, Lincoln Square, New York Twin, Orpheum VII, 34th St. East, and Village East Cinemas.)

EVITA—At last, the rock opera by Andrew Lloyd Webber and Tim Rice comes to the screen. The problem is that it remains a rock opera by Andrew Lloyd Webber and Tim Rice. The fact that it's almost bereft of spoken dialogue is good news for Madonna, who, as Eva Perón, is barely required to speak or even to act. Jonathan Pryce is a sly and troubled Juan Perón, and Antonio Banderas prowls through the action as our friendly smoldering narrator. Alan Parker's picture blares and blazes at you without letup, and it works best when it's openly theatrical—only when it's over do you sense how little lay beneath the busy surface.—A.L. (1/6/97) (Chelsea Cinemas, Cinema II, 86th Street East Twin, Guild, Lincoln Square, Murray Hill Cinemas, and Village Theatre VII.)

FIERCE CREATURES—The cast of "A Fish Called Wanda" in a movie about a small English zoo swallowed up by a grand corporation. John Cleese is the new boss; the villains, a crass tycoon and his wretched son, are both played by Kevin Kline; and Jamie Lee Curtis has a curious role that reduces her to almost nothing but her bosom. Everything about the film feels so musty and antique that you can't even work up the energy to be offended. It was directed by Robert Young and Fred Schepisi, who together make a handsome hash of things.—A.L. (2/3/97) (Chelsea Cinemas, First & 62nd Cinemas, Lincoln Square, Park & 86th Street Cinemas, and 34th Street Showplace.)

GRIDLOCK'D—Tupac Shakur and Tim Roth team up in a junkie comedy that, while not quite as stylish as "Trainspotting," has a good deal in common with its hip, downbeat humor. As the two addicts tool around together, trying to kick their habits, they're embroiled in a series of misunderstandings and branded as killers; they also develop an infectious camaraderie. Vondie Curtis Hall, who wrote and directed, draws the comedy from the



Opening February 28, Indira Varma and Sarita
Choudhury in Mira Nair's "Kama Sutra."

situations rather than from the banter and putdowns that pass for wit in most buddy pictures. And the cinematographer, Bill Pope, has given Detroit, where the movie was shot, a desperate, candy-wrappers-in-a-garbage-barrel urban beauty.—B.D. (Astor Plaza, 84th Street Sixplex, Manhattan Twin, 19th Street East 6, Orpheum VII, and Village Theatre VII.)

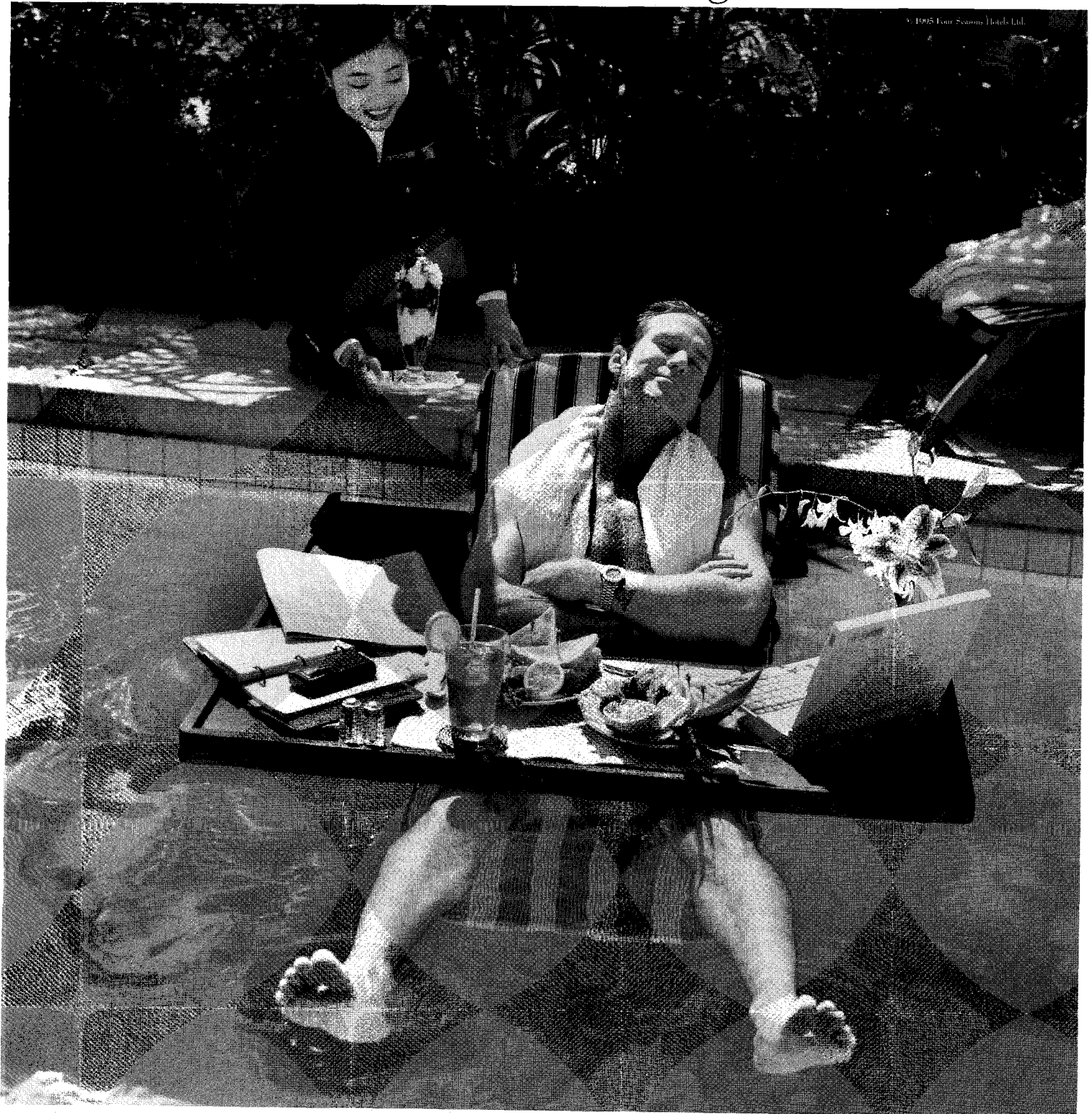
HAMLET—Kenneth Branagh's film uses the full text of the play (the running time is nearly four hours), it's shot in 70 mm., and the approach is daringly straightforward. The director himself plays the unhappy Prince, and so lucidly that every shift in the volatile character's mood seems perfectly natural. Derek Jacobi, as Claudius, and Julie Christie, as Gertrude, are also superb.—T.R. (1/13/97) (Paris.)

JERRY MAGUIRE—Tom Cruise plays the title character, who is a glib, cocky agent for professional athletes. In the fluid opening scenes, the movie, which was written and directed by Cameron Crowe, promises to be something unusual—a comedy about the spiritual crisis of a shallow man. But the star quickly reverts to his familiar feisty, can-do shtick, and Crowe loses control of the fragile comic tone. Also with Renée Zellweger, Cuba Gooding, Jr., and Bonnie Hunt.—T.R. (12/16/96) (Criterion Center, Lincoln Square, 19th Street East 6, and Orpheum VII.)

MARVIN'S ROOM—Jerry Zaks's strength-through-illness drama, adapted by the late Scott McPherson from his 1990 play. Bessie (Diane Keaton), who spends her time caring for her bedridden father (Hume Cronyn), discovers that she herself has leukemia; the search for a bone-marrow donor leads her to her sister, Lee (Meryl Streep), whom she hasn't seen in twenty years. Both women give it all they've got, but this cloying film doesn't deserve their generosity. Leonardo DiCaprio is highly convincing as Lee's dysfunctional son.—A.L. (1/20/97) (19th Street East 6, Regency, and Village East Cinemas.)

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THEATRE ADDRESSES

(For show times, call 777-FILM, except where noted.)

ANGELIKA 57, 225 W. 57th St.
ANGELIKA FILM CENTER, 18 W. Houston St.
ART GREENWICH TWIN, Greenwich Ave. at 12th St.
ASTOR PLAZA, 44th St. at Broadway.
BARONET, Third Ave. at 59th St.
BEEKMAN, Second Ave. at 66th St.
CARNEGIE HALL CINEMAS, Seventh Ave. between 56th and 57th Sts.
CHELSEA CINEMAS, 260 W. 23rd St.
CHELSEA WEST, 333 W. 23rd St.
CINEMA I, Third Ave. at 60th St.
CINEMA II, Third Ave. at 60th St.
CINEMA 3RD AVENUE, Third Ave. at 60th St.
CINEMA 3, 2 W. 59th St.
CINEMA VILLAGE, 22 E. 12th St.
CORONET, Third Ave. at 59th St.
CRITERION CENTER, Broadway at 44th St.
EAST 85TH STREET, First Ave. at 85th St.
EASTSIDE PLAYHOUSE, Third Ave. at 55th St.
84TH STREET SIXPLEX, Broadway at 84th St.
86TH STREET EAST TWIN, Third Ave. at 86th St.
EMBASSY I, Broadway at 46th St.
EMBASSY 2, 3, AND 4, Seventh Ave. at 47th St.
59TH STREET EAST CINEMA, 239 E. 59th St.
FILM FORUM, W. Houston St. west of Sixth Ave. (727-8110).
FIRST & 62ND CINEMAS, 400 E. 62nd St.
GOTHAM CINEMA, Third Ave. at 58th St.
GUILD, 33 W. 50th St.
LINCOLN PLAZA CINEMAS, Broadway at 63rd St. (757-2280).
LINCOLN SQUARE, Broadway at 68th St.
MANHATTAN TWIN, Third Ave. at 59th St.
METRO CINEMA I AND 2, Broadway at 99th St.
MURRAY HILL CINEMAS, 160 E. 34th St.
NATIONAL TWIN, Broadway at 44th St.
NEW YORK TWIN, Second Ave. at 67th St.
19TH STREET EAST 6, Broadway at 19th St.
OLYMPIA I AND II, Broadway at 107th St.
ORPHEUM VII, Third Ave. at 86th St.
PARIS, 4 W. 58th St.
PARK & 86TH STREET CINEMAS, 125 E. 86th St.
QUAD CINEMA, 34 W. 13th St.
REGENCY, Broadway at 67th St.
THE SCREENING ROOM, 54 Varick St. (334-2100).
62ND & BROADWAY, 62 W. 62nd St.
64TH AND 2ND, Second Ave. at 64th St.
68TH ST. PLAYHOUSE, Third Ave. at 68th St.
72ND STREET EAST, Third Ave. at 71st St.
STATE, Broadway at 45th St.
SUTTON I AND 2, Third Ave. at 57th St.
34TH ST. EAST, 241 E. 34th St.
34TH STREET SHOWPLACE, 238 E. 34th St.
VILLAGE EAST CINEMAS, Second Ave. at 12th St.
VILLAGE THEATRE VII, Third Ave. at 11th St.
WAVERLY I AND 2, Sixth Ave. at 3rd St.
WORLDWIDE CINEMAS, 50th St. between Eighth and Ninth Aves.
ZIEGFELD, 141 W. 54th St.

REVIVALS

(The following notes are by Pauline Kael, Terrence Rafferty, and Michael Sragow. Theatre addresses and phone numbers appear with the listings following these notes.)

ALEXANDER NEVSKY (1938)—Sergei Eisenstein's ponderously surging epic has a famous score by Prokofiev and a stunning battle on ice. When it's great it's very great, but there are long deadly stretches. The plot has something to do with the thirteenth-century invasion of Russia by German knights; needless to say, the Russians drive the invaders out. The propaganda isn't Communist but nationalist: the medieval story was used to warn Hitler to stay out. In Russian.—P.K. (Anthology Film Archives; Feb. 19.)

BACK TO THE FUTURE PART III (1990)—Most of this picture takes place in 1885, in the Old West, where the specially rigged DeLorean that has been whipping the suburban kid Marty McFly (Michael J. Fox) and the mad inventor Doc Brown (Christopher Lloyd) back and forth

in time runs out of gas. The relaxing light-vaudeville mood is a welcome break from the strenuous time-hopping of the first two installments. (It's poky, and it's also a touch boring.) While director Robert Zemeckis and writer Bob Gale are biding their time, setting things up for their frantic grand finale, they keep us amused with an eccentric romance between Doc and a schoolmarm played by Mary Steenburgen; their moonbeam love story is the movie's one true inspiration.—T.R. (Walter Reade Theatre; March 1-2.)

CHILDREN OF PARADISE (1945)—This lushly romantic creation, directed by Marcel Carné and written by Jacques Prévert, is a one-of-a-kind film, a sumptuous epic about the relations between theatre and life. It was made during the Occupation, and it is said that the starving extras made away with some of the banquettes before they could be photographed. With Jean-Louis Barrault as the soulful mime Debureau (the Pierrot—Barrault sucks in his cheeks so much that he sometimes suggests Dietrich); the incomparable Arletty as Garance;



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and Pierre Brasseur as the Shakespearean actor Lemaître (the Harlequin). In French.—P.K. (Anthology Film Archives; Feb. 21-27.)

THE EMPIRE STRIKES BACK (1980)—By far the most imaginative part of the "Star Wars" trilogy. George Lucas kept the first movie hopping by cutting it into short, choppy scenes; Irvin Kershner, who directed this one, is a master of visual flow, and, joining his own kinks and obsessions to Lucas's, he gave "Empire" a splendorousness that may even have transcended what Lucas had in mind. The characters in this fairy-tale cliffhanger show more depth of feeling than they had in the first film, and the music—John Williams's variations on the "Star Wars" theme—seems to saturate and enrich the intensely clear images; scenes linger in the mind. With Harrison Ford, Mark Hamill, Carrie Fisher, Billy Dee Williams, and Alec Guinness.—P.K. (Starting Feb. 21.)

GERMANY YEAR 90 NINE ZERO (1994)—The hero of Jean-Luc Godard's film is the American secret agent Lemmy Caution, who was also the protagonist of his 1965 film "Alphaville" (and who is played in both pictures by Eddie Constantine). Lemmy Caution is, we're told, "the last spy," returning to the West after the end of the Cold War. Both the old spy and the aging filmmaker—the last modernist—are unnerved by the eerie, somnolent peace of reunified Germany; they're nostalgic for conflict. It's a brilliant movie, and it demonstrates convincingly that the elegiac, reflective tone of Godard's later work shouldn't be taken as evidence of mellowing; even his elegies are provocations. In French and German.—T.R. (Symphony Space; Feb. 25.)

OUT OF THE PAST (1947)—A thin but well-shot suspense melodrama, kept from collapsing by the suggestiveness and intensity that the director, Jacques Tourneur, pours on. It's empty

tor on his case (François Périer). The filmmaker's craftsmanship, compelling throughout, triumphs in a chase through the Métro. In French.—M.S. (Film Forum 2; starting Feb. 28.)

STAR WARS (1977)—The loudness, the smash-and-grab editing, and the relentless pacing drive every idea from your head, and even if you've been entertained, you may feel cheated of some dimension—a sense of wonder, perhaps. It's an epic without a dream. Maybe the only real inspiration involved was to set its sci-fi galaxy in the pop-culture past, and to turn old-movie ineptness into conscious Pop art. The writer and director, George Lucas, has got the tone of bad movies down pat: you never catch the actors deliberately acting badly; they just seem to be bad actors, on contract to Monogram or Republic, their klunky enthusiasm polished at the Ricky Nelson school of acting. With Carrie Fisher as the princess-in-distress who talks tomboy-tough, Mark Hamill as Luke Skywalker, Harrison Ford as Han Solo, and Alec Guinness as Ben Obi-Wan Kenobi.—P.K. (Art Greenwich Twin, Chelsea West, First & 62nd Cinemas, Lincoln Square, Murray Hill Cinemas, Orpheum VII, and Ziegfeld.)

LATE RUNS, CLASSICS, ETC.

(Titles with a dagger are reviewed above.)

FILM FORUM 2 AND 3, W. Houston St. west of Sixth Ave. (727-8110).—**THEATRE 2**: Through Feb. 27: "The Graduate" (1967, Mike Nichols), with Dustin Hoffman, Anne Bancroft, and Katharine Ross. . . . From Feb. 28: "Le Samourai" (†). . . . **THEATRE 3**: "The Big Sleep" (1945, Howard Hawks), with Humphrey Bogart and Lauren Bacall, "Walkabout" (1971, Nicolas Roeg), and "Microcosmos" (1996, Claude Nuridsany and Marie Perennou).



Opening February 28, Cathy Rosier and Alain Delon in "Le Samourai."

trash, but you do keep watching it. Kirk Douglas, a gangster, hires Robert Mitchum to find Jane Greer, who has run away from him. Predictably, she gets Mitchum (at his most somnolent-sexy droopy-eyed) in her clutches, and there are several killings before matters are resolved.—P.K. (Cinema Village; starting Feb. 28.)

LE SAMOURAI (1967)—In Jean-Pierre Melville's coolest, sleekest, and most influential salute to the French underworld, Alain Delon plays a hit man who dodges the minions of a double-crossing employer, as well as the police, after murdering a night-club boss. Although the anti-hero has a faithful moll (Nathalie Delon) and a thing for the night club's alluring pianist (Cathy Rosier), his attachments are all business, and the writer-director doesn't try to humanize him. He doesn't have to: he banks on our empathizing with Delon's loner as he outsteps an organization man par excellence, the inspec-

MUSEUM OF MODERN ART, Roy and Niuta Titus Theatres, 11 W. 53rd St. (708-9480)—Through March 20: A program of films by Rainer Werner Fassbinder; most in German, some with English subtitles. . . . † A selection of films admired by Fassbinder. Feb. 21 at 3: "Zero for Conduct" (1932, Jean Vigo; in French) and "Un Chant d'Amour" (1950, Jean Genet). . . . † The museum will be showing the short films nominated for Academy Awards in the animated, live-action, and documentary categories, on Feb. 21 at 6 and 8:15 and Feb. 22-23 at 2 and 5. . . . The five films nominated for Academy Awards in the feature-length documentary category, on Feb. 28 at 3, 6, and 8, March 1 at 2:30 and 5, and March 2 at 2 and 5. . . . † Feb. 24 at 3: "Daddy, Father Frost Is Dead" (1991, Yevgeni Yufit and Vladimir Maslov; in Russian). . . . † Feb. 24 at 6:30: "The Wooden Room" (1995, Yufit and Maslov; no dialogue). . . . † Feb. 27 at 3 and 6: "37 Stories About Leaving Home" (1996, Shelly Silver).

WALTER READE THEATRE, Lincoln Center (875-5600)—Through March 4: A program of films by Raúl Ruiz. . . . † Feb. 22 at 2: "The 5,000 Fingers of Dr. T." (1953, Roy Rowland). . . . † March 1-2 at 2: "Back to the Future Part III" (†).

FLORENCE GOULD HALL, 55 E. 59th St. (355-6160)—Feb. 25 at 12:30, 3:30, 6:30, and 9: "Céleste" (1981, Percy Adlon; in German). . . . March 4 at 12:30, 3:30, 6:30, and 9: "Charles, Dead or Alive" (1969, Alain Tanner; in French).

AMERICAN MUSEUM OF THE MOVING IMAGE, 35th Ave. at 36th St., Astoria (718-784-0077)—A program of films by David Lynch. Feb. 22 at 2: "Eraserhead" (1977). . . . Feb. 22 at 4 and Feb. 23 at 2: "Twin Peaks: Fire Walk with Me" (1992). . . . Feb. 23 at 4:30: The pilot for the television series "On the Air" (1991) and two episodes of "Hotel Room" (1992). . . . In the Nam June Paik Video Viewing Room, the episodes of "Twin Peaks" which Lynch himself directed are being shown. Through Feb. 21: Episode 9. . . . Feb. 22-28: Episode 14. . . . From March 1: Episode 29. . . . † A program of films directed by Chantal Akerman, who will be present at these early screenings. March 1 at 2: "Jeanne Dielman, 23, Quai du Commerce, 1080 Bruxelles" (1975). . . . March 2 at 2: "Meetings with Anna" (1978). . . . March 2 at 5: "From the East" (1993).

SYMPHONY SPACE, Broadway at 95th St. (864-5400)—Feb. 25 at 7: "Germany Year 90 Nine Zero" (†). . . . Feb. 25 at 9: "Germany, Year Zero" (1947, Roberto Rossellini). . . . March 4 at 7: "First Name: Carmen" (1983, Jean-Luc Godard; in French). . . . March 4 at 9: "Gun Crazy" (1949, Joseph H. Lewis).

A DIFFERENT LIGHT BOOKSTORE, 151 W. 19th St.—A Sunday-night series of free films. On Feb. 23 at 7, the feature will be "Butterfield 8" (1960, Daniel Mann); on March 2 at 7, "The Picture of Dorian Gray" (1945, Albert Lewin).

ANTHOLOGY FILM ARCHIVES, 32 Second Ave., at 2nd St. (505-5110)—Two films by Sergei Eisenstein. Feb. 19 at 7 and 9: "Alexander Nevsky" (†). . . . Feb. 20 at 7: "Ivan the Terrible, Parts I and II" (1944-46, in Russian). . . . † Two films by Nagisa Oshima; in Japanese, with English subtitles. Feb. 20 at 8: "The Ceremony" (1971). . . . Feb. 27 at 7: "The Sun's Burial" (1960). . . . † Two films by Aleksandr Rogozhkin. Feb. 21 at 6, Feb. 22 at 6:30, and Feb. 25 at 8: "The Chekist" (1992). . . . Feb. 23-24 and Feb. 26 at 6:30: "Living with an Idiot" (1993). . . . † Feb. 21 at 8:30, Feb. 22-23 at 3 and 8:30, Feb. 24 at 8:30, Feb. 25 at 9:30, and Feb. 26-27 at 8:30: "Children of Paradise" (†). . . . † A program of films by Mike Leigh. Feb. 24 at 9: "Nuts in May" (1976). . . . Feb. 26 at 8: "Home Sweet Home" (1983). . . . Feb. 28 at 6: "Permissive Society" (1975) and "Mike Leigh Season" (1982). . . . Feb. 28 at 8: "The Kiss of Death" (1977). . . . † Feb. 25 at 6:30: "Indien" (1993, Paul Harather). . . . † Feb. 25 at 9: "Lancelot du Lac" (1974, Robert Bresson; in French). . . . † A program of recent Mexican films. Feb. 28 at 6, March 1 at 4 and 10, and March 2 at 6: "Angel of Fire" (Dana Rotberg). . . . Feb. 28 at 9:30 and March 2 at 8: "Anonymous Letter" (Carlos Carrera). . . . March 1 at 6 and 8 and March 2 at 10: "Between Villa & a Naked Woman" (Sabina Berman and Isabelle Tarden). . . . March 2 at 4: "The Garden of Eden" (Maria Novaro). . . . March 3 at 7: "Lolo" (Francisco Athie). . . . March 4 at 7: "On the Air" (Juan Carlos de Llaça).

CINEMA VILLAGE, 22 E. 12th St. (924-3363)—Through Feb. 27: "Boyfriends" (1996, Neil Hunter and Tom Hunsinger). . . . From Feb. 28: "Out of the Past" (†).

BROOKLYN MUSEUM OF ART, Eastern Parkway. (718-638-5000)—Feb. 22 at 2: "Ida B. Wells: A Passion for Justice" (1989, William Greaves). . . . Feb. 22 at 3: "Richard Wright-Black Boy" (1994, Madison D. Lacy). . . . Feb. 22 at 4:45: "Midnight Ramble: The American Experience" (1994, Pearl Bowser and Buster Cram). . . . Feb. 23 at 2: "Frantz Fanon: Black Skin, White Mask" (1995, Isaac Julien). . . . Feb. 23 at 3:30: "Visions of the Spirit: A Portrait of Alice Walker" (1989, Elena Featherston).

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THE TALK OF THE TOWN

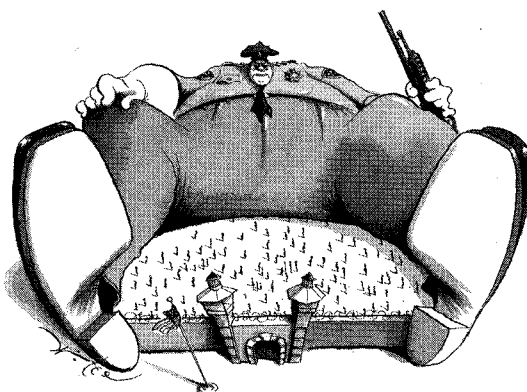
AMERICA BUSTED

IN 1993, Stephen Donziger, a recent Harvard Law School graduate who was working as a public defender in Washington, D.C., was asked by a foundation—funded in part by the newly public-spirited financier Michael Milken—to conduct a study of prosecutorial misconduct. After a few weeks of preliminary research, Donziger realized that the problems were much broader.

A Presidential commission had not looked into the country's criminal-justice system for more than a quarter of a century, despite extraordinary changes in public attitudes toward offenders. With the foundation's support, Donziger formed the independent National Criminal Justice Commission, composed of former prosecutors, police officials, prominent academics, and concerned citizens. Its members ranged from a Harvard law professor, James Vorenberg, whom Lyndon Johnson appointed executive director of the last Presidential commission, to James Bernard, who was the editor of a hip-hop magazine called *The Source*. In the course of gathering an enormous amount of data, they found themselves addressing a vexing question: how had the United States come to imprison a larger proportion of its citizens than any other Western nation? Their findings were published last year in "The Real War on Crime," a three-hundred-and-twenty-page book, edited by Donziger. The commission concluded that the recent emphasis on punishment has hindered efforts to deal with the underlying causes of most offenses, but—in this country, at least—the book went largely unnoticed.

Donziger, who is thirty-five and is a criminal-defense attorney in New York, lives in an Upper East Side walkup.

Among the photographs on his walls are pictures of Nicaragua, where he was a correspondent for U.P.I. during the civil war, and pictures of Iraq, where he led an investigation into human-rights abuses after the Gulf War. As a public defender, he witnessed a criminal-justice system in disarray. At Oak Hill, the juvenile-detention center for Washington, he encountered youths who had been awaiting trial for more than a year and had been brutalized by both staff members and older inmates. Many had been charged



with nothing more serious than minor property crimes. "I wasn't naïve," Donziger said. "But I was shocked by how the system had become like a factory, taking low-income adolescents and sending them into a hell from which there seemed no way out."

Among the surprising findings in the statistic-filled report is that although the United States has one of the highest poverty rates among children of any developed country, many American cities now spend more money on law enforcement than on education. A "prison-industrial complex" has emerged, which has discouraged alternatives to incarceration; more prisons have been built in America's rural areas during the last fifteen years than during the previous two centuries. "Corrections officer" is the

fastest-growing job category in government service, and it is not uncommon for prison guards to earn more than college professors. African-Americans represent seventy-five per cent of those in prison for drug possession—despite the fact that both races use illegal drugs at about the same rate. Tough punishments are administered for nonviolent crimes, like vandalism or petty theft, largely in urban neighborhoods, in contrast with the leniency practiced in the suburbs, where minor juvenile offenders tend to be turned over to their parents. According to the report, fifty per cent of inner-city children have at least one parent who is incarcerated, on parole, on probation, or on the run from the law. Perhaps the book's single most disturbing statistic is that at least one of every four males in America has an arrest record.

Donziger hoped that the publication of "The Real War on Crime" would spark debate, but neither the *Times* nor the *Washington Post* bothered to review it. Still, the book has begun to attract wide interest; Donziger has received sympathetic hearings on the radio talk shows of both Oliver North and Jerry Brown. Elsewhere, the commission's calls for a moratorium on new prison construction and an end to the war on drugs has attracted considerable attention, particularly in Canada, where there is worry about what is seen as the malign effects of American punitiveness (and where the incarceration rate is about a fifth of what it is here). Donziger is planning another book on criminal justice, to be written entirely by himself. "It will include chapters based on real crime incidents," he said. "It is designed for a mass audience, and it will be short, entertaining, and shocking."

AUTRE TEMPS, AUTRE MOEURS

FOR citizens of ample means, prisoners' accommodations in eighteenth-century France outdid even the swankiest jails of modern times. The Marquis de Sade, for instance, who was incarcerated



in the Bastille for outrageous sexual misconduct, was allowed to bring his own furniture, tapestries, and family portraits to his cell. In December of 1784, Sade requested that the Marquise send him the following "List of needed items":

"A little frock coat of the kind I usually wear, made of plain, common ratteen. A vest and matching pants of alpaca cloth, cut in the same style as the cotton pants and vests you sent me in previous winters. An 'Espagnolette' vest of better quality than the previous one, which lasted the whole of eight days. A pint each of eau-de-vie, rose water, orange water, and eau de cologne. Six pairs of long cotton stockings, made in Paris and not in Troyes . . .

"Six notebooks of letter paper . . . two sticks of sealing wax. Twelve raven's-quill pens. Two pounds of chocolate and a box of chocolate pastilles. A half pound of marshmallow paste. A hair ribbon and a ponytail ribbon. A pot of beef marrow and a loaf of the same."

THE TURN OF THE KNIFE

A writer reflects on a recent subway incident:

BAD dreams last night. Someone was tampering with our neighbor Mr. Morales's car, and then we caught him trying to steal ours. My wife started to scream when we saw a dark silhouette sitting in the driver's seat, working at the ignition. I went for him. End of dream. The other dream was bloody. That's all I remember. Since what I often refer to as "the incident" occurred, about two months ago, not one of my dreams is about what actually hap-

pened, though I've had nightmares. (Does the occasional Valium have a double edge?) My wife and I were on the way to see "Chicago." As often, we took the subway from Brooklyn. Just before the train went into the tunnel under the East River, two men followed us from a car where we had been alone with them into one with about thirty people. They attacked us anyway. They didn't show a weapon. They didn't ask for anything. My gut feeling was that they intended to subdue us and then rob us. I would have silently suffered the robbery. But they grabbed for my wife. I tried to hold them off while we were retreating down the car. The taller of the two hit me a hard blow in the chest. He stepped back, and I saw that he had a knife in his hand. I looked down at my chest. It was covered with blood. Blood is warm, very warm, when you're pressing your hand on it, trying to keep more of it from coming out. I had read that. But I hadn't realized how warm. And it's both comforting and frightening to clutch it and yourself as hard as you can. Help? The other passengers looked stunned. My wife pressed her rolled-up jacket hard against my chest. Pulled the emergency cord when we got into the next station. All trapped together now. Suddenly guns, badges. Three policemen who had been in the next car the whole time. Then medics, Bellevue, the triage table. Operating-room lights in my eyes, and I was out.

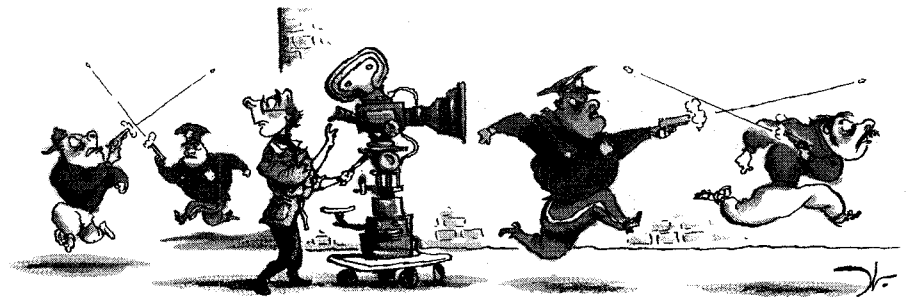
Everything turned out all right, so to speak, to use a Jamesian phrase. But pressing my hand to my chest has become a characteristic gesture, like putting my right hand, one finger extended, to my chin and cheek. Now when I go for a walk or take the subway I look for assassins. I like the word "assassins." It connects me to a literary tradition of assault and murder. But I hate the fear. My wife was reassuringly quiet until we went to therapy the other day. She broke into tears. What's wrong with her, she wanted to know. Why isn't she ecstatically happy that I'm not dead? We're both relieved, not happy. By profession, one of the things I do is

write biographies—Dickens, James, and now Gore Vidal. I told Vidal, who is elderly but very much alive, that I prefer my subjects dead, long dead. It was true, and a little ironic, and he responded that he understood perfectly but wouldn't do anything special to accommodate my preference. However, I don't prefer the biographer dead. And, of course, I'm not. But it was close—a millimetre in a different direction, the knife would have cut my heart.

I'm used to chronicling other people's lives and writing what could be thought of as extended obituaries. In the hospital, recovering, I read the *Times* article about what had happened to me, and it could very well have been my obituary: only one line needed to be changed. It was flattering but frightening in a complicated way. There was the objectification of me—the self embalmed in words. For a moment, I was out there in an extra-bodily place of words, my fifteen minutes of near-death fame. When I wrote the last paragraphs of my biography of Charles Dickens, I cried convulsively for the loss of Dickens, for the ending of all those years I had spent with him, for my own implication in death. So, too, when I wrote Henry James's death. They were good tears. Both Dickens and James died of heart disease, something that came from within. A son of a bitch stabbed me on the subway in a senseless, stupidly bungled crime. I'm glad not to have died, and especially not to have died as somebody's victim. I'd like my next obituary to say he died from within, so to speak.

THE PRIDE OF BALTIMORE

VIRTUALLY every night is homicide night in Baltimore, where—contrary to the trend in most other large cities—the murder rate has continued to rise. Friday night, however, is "Homicide" night. The top-rated TV program in town, "Homicide: Life on the Street," begins at ten o'clock—fifty minutes of cop action frequently based on events lifted from



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the local police blotter—and when the eleven-o'clock news leads off with a report about a real-life homicide it all seems part of the show.

Now in its fifth season, "Homicide" was inspired by a 1992 book by a Baltimore *Sun* reporter, David Simon, who chronicled a year with the police department's homicide squad. One of the show's executive producers is Barry Levinson, whose fondness for the peculiarities of his home town was displayed in such films as "Diner" and "Tin Men." The grisliest local events—from the beheading of a gypsy fortune-teller to the murder of an eleven-year-old girl—inspire some of the episodes, and achieving authenticity is no problem. A few months ago, when the filmmakers went looking for a run-down building in which to shoot a crack-house scene, they stumbled on the real thing and were delightedly welcomed inside by the dealers. Simon, who is now one of the show's story editors, says, "They're just as willing to host us in a crack house as in a fancy house up in Roland Park."

Sometimes it's hard to tell which came first—life or art. After a recent "Homicide" segment featured the murder of a Korean grocer, a number of Korean shopkeepers were shot, two fatally. Even the criminals are getting confused. In October, a shoplifter who was sprinting from a drugstore on North Avenue ran right into the arms of two cops who had their guns drawn. They were Richard Belzer and Clark Johnson, who play two of the show's detectives, and they were rehearsing an arrest scene.

So why is the august *Sun* naming the cast and crew of "Homicide" Marylanders of the Year for 1996 and hailing the show as a "gloomy television drama series dwelling on human depravity that makes us proud of Baltimore"? One reason is that "Homicide" has pumped approximately twenty-seven million dollars into the local economy every season since it began airing, in January, 1992. Down in the half-gritty, half-gentrified waterfront neighborhood of Fell's Point, where many of the episodes are filmed, you can buy a "Homicide" sweatshirt (black background with a white-chalked outline of a dead body), a "Homicide" baseball cap, or a "Homicide" coffee mug. The bar in the Waterfront Hotel, which doubles as a cop hangout in the show, is a must for "Homicide" tourists from out of town, whose number, according to a tourism-office estimate, has swelled because of the series.

One popular tour is sponsored by the Admiral Fell Inn. After checking out Jimmy's, a Greek greasy spoon, and Miss Irene's, a working-class bar, visitors are taken to lunch at the Waterfront, then directed to the old Roman Catholic church of St. Stanislaus Kostka. The object of the pilgrimage is the dumpster where the body of a naked woman was discovered in the 1994 season premiere. "All this may seem odd outside of Baltimore," says one of the city's most prominent native sons, the camp filmmaker John Waters. "But Baltimore has always celebrated the odd. That's why the city is so much fun."

LETTING THE SNAKES OUT

"I WAS taught sanity by a lunatic," the novelist Patrick McGrath recalled over lunch the other day in Tribeca. "There was this huge elm tree at the bottom of the garden, and I decided to chop it down—I was about seven years old. So I got an old golf club of my father's and just went at it. I'd hacked through the bark almost all the way around when some patient came dashing toward me, saying, 'Stop, stop! If you take the bark off like that, the tree is going to die.' He said, 'I think we'd better go see Mr. Artless.' Mr. Artless was the male nurse in charge of the patients, and he was very stern. He said, 'Do you know, that's not your tree.' I said, 'Yes it is, it's in our garden.' And he said, 'This garden belongs to the *British government*.' I was so humbled and frightened by the experience—rough justice in the garden."

"Asylum," which has just been published, is McGrath's fifth work of psychological horror, and is set on the grounds of a mental hospital that closely resembles Broadmoor, the famous hospital for the criminally insane in England, where McGrath, whose father was superintendent, spent his childhood. Given his well-groomed appearance and reasonable manner, it comes as something of a shock when McGrath offhandedly remarks, "I suppose that filth, rot, feces, maggots, insects—they're more my interest than Great Rift Valleys and oak trees and eagles and so forth. Once I get my teeth into a

case of psychological deviance, I'm on home territory."

The new novel explores the thin line between obsession and madness—in this case, the sexual fixation of a superintendent's wife on one of the homicidal patients, a character who resembles McGrath's particular childhood friend, a murderer named Dennis. "He was a thirtyish, handsome man with a very jovial, warm spirit," McGrath said. "He was a capable man, he could build things. I looked up to him."

Indeed, McGrath grew up without fear of the patients, who, in yellow corduroys, worked in the garden, planting, pruning, and trimming. "I followed them everywhere saying, 'Whotcha doing? Where you going?'" I was a pest. It felt like having a lot of uncles for one's personal enjoyment. There was no sense that they were 'criminal lunatics,' because I'd been carefully taught that these were men who had suffered a mental illness, under the influence of which they might well have murdered, but it was an illness nonetheless."

Even so, Broadmoor encouraged his taste for the macabre. He read horror stories with "enormous relish"; a favorite involved a man who puts a beetle into a hated friend's ear. The beetle eats its way through

the man's brain and out the other ear; when he realizes that the creature has laid eggs in his head, he goes mad. "The difference between the insane and us is a difference in degree, rather than a difference in kind," McGrath added helpfully. And, like the boy Charlie in "Asylum," who he admits is a fair depiction of himself as a boy ("Freckles. Big sticking-out rabbit teeth. Little

and fat"), McGrath enjoyed hunting for snakes around the goldfish pond. "Grass snakes are lovely—very long," he said. "I kept them in an aquarium, in a sandpit. I always made sure that there was a teeny little slit so they could breathe, and in the morning they'd be gone. I'd shed a few tears and go out on another snake hunt. It was a splendid place to grow up." ♦



"America Busted," Eric Schlosser; "Autre Temps, Autre Moeurs," Francine du Plessix Gray; "The Turn of the Knife," Fred Kaplan; "The Pride of Baltimore," Christopher Corbett; "Letting the Snakes Out," Liesl Schillinger.

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ANNALS OF JUSTICE

ONE ANGRY WOMAN

Why are hung juries on the rise?

BY JEFFREY ROSEN

NOT long ago, in northeast Washington, D.C., as an off-duty police officer was walking to his car at about 2:30 A.M., he heard gunshots. He looked up and saw a young man running across the street, firing at members of a rival gang. Keeping his eye on the sus-

vote, taken anonymously, was eight for conviction, two undecided, and two for acquittal. It soon emerged that the Jamaican hospital worker and the aspiring law librarian had voted to acquit. The Jamaican man lived in the neighborhood where the shooting had taken place. "I'm



Race is at issue, but not necessarily among jurors.

pect, who got into a parked car, the officer approached and found a gun under the front seat. As he arrested the young man, he said, "You never know who's out there looking at you."

The trial, several months later, was so straightforward that it took only an afternoon. The prosecutor, a young white woman, put on the witness stand the African-American policeman who had made the arrest. The court-appointed defense attorney, who is from Nigeria, argued a case of mistaken identity. The jury looked like America—or, at least, like the District of Columbia. There were five black men, including an oncologist and a native of Jamaica who cleaned hospitals. There were three white men, including a gay Jewish social-service worker, who was elected foreman, and a liberal lawyer for the Environmental Protection Agency. There were three white women, including a journalist and a publisher. And there was one black woman, in her early twenties, who was studying to be a law librarian.

According to one juror, the initial

raising kids and I hear gunshots every night," he said. "If I had the money to get out I would, but I can't put this guy away."

One of the black men challenged him strongly. "That kid shot off a pistol," he said. "There's no doubt he did it. The gun was under the seat; his story doesn't make any sense; there are eyewitnesses. What more do you want? I'm sick of this going on in my city."

The aspiring law librarian expressed more serious doubts. Her cousin had been killed by a police officer, she said, and she couldn't trust the police.

At this point, the black oncologist became incensed. "If the cop who arrested this kid was white, I might agree with you, but we're talking nigger to nigger here," he said. "There's no doubt about what happened."

At the end of the day, a Friday, the jurors took another vote. It was eleven to one. The librarian confessed that she was the holdout. "I just don't know," she said repeatedly.

DAVID MAZZUCHELLI

On Monday morning, the holdout juror said she needed to speak. "It was my birthday this weekend. My husband bought a cake and invited friends, but I sent them home and went to church on Sunday. I said, 'Why, God? Why me? Why can't I find him guilty?'" God told her, she said, "I have forgiven him." Her voice was shaking with emotion as she confessed that she could never vote to convict.

At this point, a young security guard turned to her. "Sister," he said, "the judge asked you before you sat on the jury if you couldn't pass judgment on someone to stand up. You didn't stand up. Why?" The holdout murmured her apologies, but she had nothing to say; the jury filed out in anger. A retrial is scheduled for April.

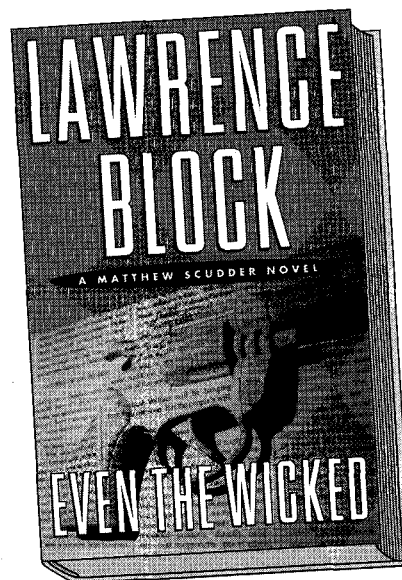
In the aftermath of the trials of O. J. Simpson, the question of whether white and black jurors are capable of transracial agreement has created something of a civic crisis. The very different ways that white and black citizens continue to evaluate Simpson's guilt have challenged one of the basic premises of the American jury: that jurors from different ethnic backgrounds can, after deliberation, converge on a common truth. The most recent polls suggest that seventy per cent of whites and thirty per cent of blacks believe that Simpson is guilty. And Simpson's being found liable by a mostly white civil jury after his acquittal by a mostly black criminal jury threatens to crystallize what is increasingly accepted as conventional wisdom. "We have two different verdicts by two different juries with radically different racial components. That's the tragedy," Alan Dershowitz told the Boston *Globe* the day after Simpson's civil defeat. "In some respects these verdicts reflect the differences in our society."

But the conventional wisdom about race and juries turns out to be wrong. The pathologies of the Simpson case—from the racialism of Johnnie Cochran to the racism of Mark Fuhrman—are in their own class; the ordinary American jury is experiencing a crisis of a very different sort. Over the past two decades, the most dramatic trend in jury trials has been a significant increase in hung juries, especially in cities with high concentrations of minority jurors. In 1966, when Harry Kalven, Jr., and Hans Zeisel published "The American Jury," their classic study for the Chicago Jury Project, they estimated that about five and a half per

cent of all criminal jury trials resulted in hung juries. Between 1992 and 1994, by contrast, the average hung-jury rate in the nine most diverse California counties, including Los Angeles, was thirteen per cent. In Washington, D.C., the numbers are the same: between 1992 and 1996, an average of thirteen per cent of all federal criminal trials there ended in hung juries, compared with only five per cent in 1991.

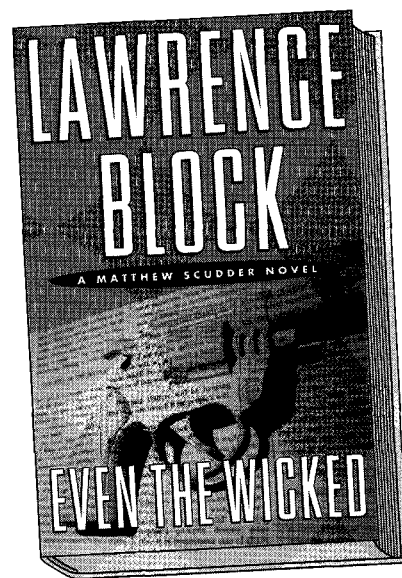
Unlike the Simpson focus groups, however, the hung juries in Washington, D.C., are *not* dividing starkly along racial lines. More than seventy per cent of the jurors in the capital are African-American, and so are more than seventy per cent of the police officers and ninety-five per cent of the defendants; but many of the hung juries involve a lone holdout—often an African-American woman—refusing to convict over the furious objections of eleven black and white fellow-jurors, who are convinced of guilt beyond reasonable doubt. Although race is often discussed during ordinary jury deliberations in the District, most jurors there seem able to transcend their racially fraught experiences and to cast their votes on the basis of a scrupulous evaluation of the facts. This means that on juries that don't happen to contain an irrational holdout transracial agreement is often swift. In Los Angeles, similarly, more than eighty per cent of the cases that have been retried (at great expense) ultimately resulted in guilty verdicts.

Conversations with prosecutors, judges, and some of the holdout jurors themselves suggest that the black women contrarians in Washington, D.C., have many reasons for hanging juries. Some of these women have had especially searing experiences with the police; some are eccentric or disengaged; some are overcome by religious beliefs; some are incapable of understanding the evidence; some refuse to send another young black man to jail. Most say that they have reasonable doubts about the defendant's guilt, even when their doubts appear, to many, to be unreasonable. The holdout jurors come from all social classes and all educational backgrounds. But although holdout jurors represent the exception rather than the rule, their numbers are increasing. Eric Holder, the United States Attorney for the District of Columbia, says that the preëminent challenge for prosecutors today is to identify what he calls the "unreachable" jurors and to strike them from the



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"Sorry I'm late, honey—I was doing two to five at Danbury."

jury pools. "But frequently these people simply lie," Holder says. "They get on juries and essentially sabotage the system."

A GENERATION ago, of course, Americans had no opportunity to ask whether multicultural juries were capable of transracial agreement. As recently as the nineteen-sixties, the Brandeis political scientist Jeffrey Abramson notes in his 1994 book, *"We, the Jury,"* commissioners typically asked leading citizens in the community to provide them with the names of other leading citizens, on the theory that jury service required above-average levels of "intelligence and probity." (In practice, this vague standard provided an excuse for racist officials in the South to empanel all-white juries nearly a century after the Supreme Court ruled against them.) In 1968, Congress abandoned this "key man" system for federal courts, declaring that all litigants have the right to "juries selected at random from a fair cross section of the community." Invoking the same vision of the jury as a microcosm of society, the Supreme Court, in a series of decisions between 1986 and 1994, held that prosecutors and defense attorneys can't peremptorily strike jurors on the basis of race or gender. But, now that prosecutors and judges have less discretion to exclude citizens who are irrational, eccentric, or simply angry, more jurors, for various reasons, are refusing to listen or to persuade.

During the deliberations of the Washington, D.C., juries that ultimately hang eleven to one, jurors often express initial doubts before switching their votes under pressure. In one recent case, three African-American men were robbed at knifepoint in Malcolm X Park, not far from the trendy restaurants of Adams Morgan. All three immediately identified the defendant, a twenty-three-year-old African-American named Tyrone Gordon. As Keith Crawford, a professor at the Howard University College of Medicine, and Anthony Jones, a former colleague at the National Institutes of Health, were talking in the park, they were approached by Gordon and two friends. According to trial testimony, Gordon pulled a knife and told Crawford to empty his pockets; Crawford threw three dollars on the ground, and Gordon grabbed the money and ran. Crawford called 911 and reported that he had been robbed by a man wearing a light shirt, dark pants, and a black hat. Minutes later, at the south edge of the park, Walter Dixon, a trouble-shooter in Mayor Marion Barry's Office of the Ombudsman, was accosted as he got out of a cab. The perpetrator put a knife to Dixon's neck and said, "We're going to rob you," as one of his friends searched Dixon's pockets and grabbed a twenty-dollar bill from his wallet. After the three robbers ran into the park, Dixon called 911 and described his assailant as a man

wearing a white shirt, black pants, and a baseball cap.

Responding to the first 911 call, Samuel C. Gaines, an African-American police officer, saw Gordon, in a white shirt, black pants, and a dark hat, creeping along the edge of the park. He jumped out of his squad car, pulled his gun, and told Gordon to halt. When Gordon tried to run past him, Officer Gaines and another officer wrestled him into handcuffs and threw him into the car. Jones came running up. "I think that's the guy that robbed me!" he exclaimed. The three men then drove to the south end of the park to meet Dixon, the third victim. When the police asked Dixon to identify Gordon, who was handcuffed in the car, he exclaimed, "That's the guy who just robbed me!" Later, the police searched Gordon's pockets and found a knife and three dollar bills.

The trial, on July 30, 1996, took only a day. The presiding judge, Eric T. Washington, who is African-American, had been a well-respected partner in the law firm of Hogan & Hartson and principal deputy corporation counsel for the District of Columbia before being appointed to the Superior Court, by President Clinton, in 1995. The jury included nine African-American women, one African-American man, one white woman, and one white man. The prosecutor was Cynthia Alksne, a white woman who, according to one of the jurors, "came across as very warm and caring about the victim." She stressed that this was a simple case, but conceded that the police had "messed up" by losing the knife after seizing it as evidence. The defense attorney was Archie Nichols, an African-American whom Alksne describes as "very bright, very articulate, smart, and wily." Because the defendant had no plausible account of his actions—he told the police, "I didn't rob no one. I was trying to get away from some guy who was trying to rob me with a gun"—Nichols focussed on the carelessness of the police in losing the knife, and suggested they had the wrong man.

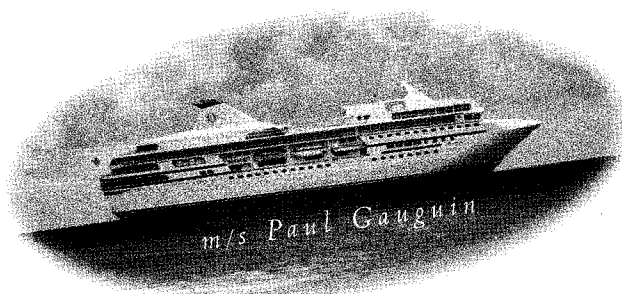
On July 31st, the jury began to deliberate. The initial vote, an anonymous written poll, was nine for conviction and three for acquittal. The first holdout, a young, unemployed African-American single mother, seemed not to understand parts of the proceedings, according to the

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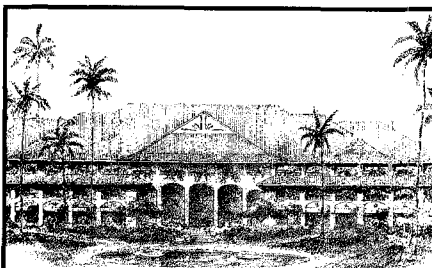
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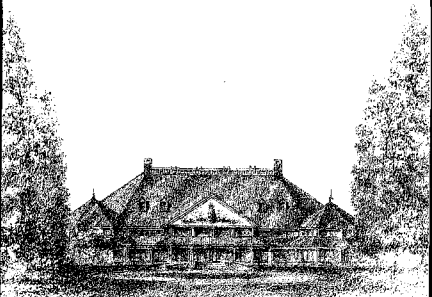
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white female juror, who quoted her as declaring, "I don't want to be here. This is a waste of my time. I've got other things to do." Instead of deliberating, she read the newspaper and clipped discount coupons. On the second day, however, she changed her vote, as a result more of indifference and peer pressure than of having grappled with the evidence.

The second vote to acquit had been cast by the African-American man, who was in his forties and worked as a manager in the banquet division of a hotel chain. He mentioned that he himself had been unfairly arrested by the police.

"Look at what happened to O.J.," one juror volunteered.

"Don't bring up that name in here," another juror groaned.

The white woman said, "We can distinguish between the Simpson case and this case because in that case the victims are dead. Here, they're alive, and they all identified the defendant."

Even if the police got the right guy, the hotel man persisted, maybe the crime didn't meet the legal definition of robbery. The white woman, who was a lawyer for the American Prosecutors' Research Organization, said that the victim had been legally robbed when he was ordered to throw his money on the ground. The hotel man then announced that he had been persuaded by the evidence and would switch his vote.

On the morning of the third day, there was a new poll: eleven to one. The remaining holdout was a retired African-American woman in her early sixties—"grandmotherly, but with an edge to her," in the words of the white woman. From the very beginning, the retired woman had made it clear that she thought the police had framed Tyrone Gordon. "How could they lose the knife if there really was a knife?" she asked. She was skeptical of a blurry photograph of the knife, taken at the scene of the crime, that had been introduced as evidence. "I think this picture is bogus," she said. "My mind is made up and it's not going to change."

The other jurors sent a note to Judge Washington declaring themselves deadlocked, but the Judge told them to keep deliberating. During a break, the jurors talked among themselves.

"We're losing so many of our young brothers these days," the African-Ameri-

can man who had changed his vote lamented to the grandmotherly holdout.

"I know it, I know it," she agreed.

When deliberations started again, the white woman confronted the holdout. "I recognize there are too many African-American young men in prison, and that bothers me," she said. "But I look at these victims, who are also African-American men, and they did everything right. We need to support them."

Some of the other African-American jurors murmured agreement, but the holdout remained unmoved. "This defendant is no brother of mine," she said. "I don't trust anybody. The only person I trust is myself and the Lord above." Pressed to explain herself, the holdout said, "I have a hard time sitting in judgment of someone else. I have to sleep and look at myself in the mirror at night."

The holdout juror had a final surprise. She had taken a Polaroid picture of a knife that she had in her kitchen drawer, and she pulled it out of her purse to show to the other jurors. The white woman immediately told her to put the picture away, explaining that because it wasn't evidence presented at trial the jury was forbidden to consider it. At this point, the other jurors erupted. "You're not considering the evidence, and you haven't listened to a darn thing we've discussed in this room," an African-American professional woman in her late thirties said to the holdout.

Another African-American woman began to yell, and threw tapes of the robbery victims' 911 calls across the table. Yet another, a woman in her late fifties, who had been a model of diplomacy, began to cry. "You're saying you can't go home at night and look at yourself in the mirror, but how can I look at myself in the mirror if we free this guy who

I'm convinced did it?" she said. "He has the names and addresses of these victims, and I'm convinced he could seek retribution on them." Still weeping, she left the jury room. After Judge Washington declared a mistrial and the jurors returned to collect their coats, they glared at the holdout. Many agreed that the deliberations had been the most frustrating experience of their lives. "It's nothing personal," the holdout told the white woman, as if seeking absolution.

"I have nothing personal against you,



either," the white woman replied. "But I disagree with you, and I don't understand your thinking process."

WHAT can explain the thinking process of the holdout juror? Judge Washington, interviewed after the Gordon trial, said that he asks all prospective jurors during the voir dire whether they have religious or moral objections to conviction, and those who confess that they do are dismissed for cause. And, like all judges in the District of Columbia, Judge Washington also asks prospective jurors whether they can follow the court's instruction that a police officer's testimony shouldn't be given more or less weight than any other testimony.

Why did he think that the holdout juror hadn't confessed her objections in advance? "I've seen the emotion in people's eyes when they've voted unanimously to convict somebody," Judge Washington said, "and perhaps in the cold, pretrial environment of questions and answers they're not aware of how they might feel about the matter of punishment."

Reggie B. Walton, another African-American judge on the D.C. Superior Court, is less charitable about holdout jurors who discover their inability to convict only after they have already been seated on juries. "I'm sure you have situations where people are so devious that they will let themselves become a part of the jury and will wholly predicate their decision on race," Walton says.

In drug cases, in particular, prospective jurors seem increasingly unwilling to trust the testimony of the police. One scholar, applauding the skepticism among some African-Americans about the fairness of imposing long sentences on black men for nonviolent drug crimes, has called on black jurors to free guilty black defendants as a form of political protest and of black self-help. In a controversial article in the *Yale Law Journal*, which was excerpted last year in *Harper's*, this scholar, Paul Butler, who was formerly a prosecutor and is now a professor at the George Washington University Law School, provides an intellectual apologia for race-based jury nullification. On the basis of figures suggesting that, on any given day, more than forty per cent of the black men in Washington, D.C., were under criminal-justice supervision, Butler, who is African-American, argues that black jurors should use their power to free guilty black defendants whenever a refusal to convict would

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serve the instrumental interests of the black community. Butler applauds the lone holdouts in Washington, D.C., who vote to free guilty defendants. "If there's an eleven-to-one holdout, I think it's principled," he says, suggesting that the holdouts deserve credit for having made a conscious decision not to apply an unjust law.

Butler has been criticized for the subversiveness of his challenge to the rule of law, and his descriptive claims about the motives of black holdouts are also open to question. His vision of jury nullification is hard to reconcile with the behavior of the holdout in the trial of Tyrone Gordon. Instead of making a conscientious decision about whether or not the black community would be helped or hurt by the freeing of a black defendant accused of theft, as Butler recommends, the holdout in the Gordon case was considering only her own religious scruples. Butler draws the line at calling for nullification in cases of murder, which are considered *malum in se*, or inherently evil. And yet

in the District of Columbia a growing number of murder cases, too, are ending in eleven-to-one mistrials, despite overwhelming evidence of guilt. Judge Walton, for example, says he recently presided over a first-degree-murder case in which the jury was ultimately hung, eleven to one: "The one holdout in what appeared to be a very strong case held out because she didn't want to convict another young black male."

ERIC HOLDER, the chief prosecutor for Washington, D.C., challenges Butler's vision of the psychology of the District's lone holdouts. Instead of glorifying them, he says, "as painful as it is to say," that some "unreachable" jurors, like some "seventeen-year-old black criminals, are *beyond help*." Holder offers an anatomy of the holdout jurors: "There are some folks who have been so seared by racism, who are so affected by what has happened to them because they are black, that, even if you're the most credible, upfront black man or woman in law enforcement, you're

never going to be able to reach them. There are other people who are simply misinformed and perhaps intellectually lazy, or intellectually dishonest, and you're never going to reach them, either. These are the people who get into the jury rooms and then simply don't deliberate, or simply say, 'All cops lie.'"

In 1988, President Reagan appointed Holder, who is African-American, to be a judge on the Superior Court for the District of Columbia. He served for five years, and he estimates that he presided over at least ten trials involving nonviolent drug possession which ended in eleven-to-one or ten-to-two hung juries, despite overwhelming evidence of guilt. "I think they were all women," Holder recalls of the holdout jurors in those cases. "They said, 'I just was not going to vote to send another young black man to prison.'"

One of the mistrials that Holder presided over involved a black defendant who had sold cocaine to a black undercover officer. Soon afterward, in a drive-by identification, the cop picked out the defendant as "good to go." The jury was hung, and after the trial one of the jurors, an elderly black woman with a cane, approached the prosecutor, a young black woman named Bernadette Sargeant. Taking Sargeant's hand, she said, "It's so nice to meet you, but it's not the way it used to be in this city. In the old days, a man could walk the street and not be afraid of being held by the police for an I.D."

Sargeant was so discouraged by a rash of eleven-to-one mistrials at the beginning of her career as a prosecutor that she confided to Judge Holder that she was contemplating finding other work. "I remember she was really emotional," Holder recalls. "She talked about how hard she worked on this case, and her officers had done the right thing, admitting those things they couldn't remember, not trying to fudge things in any way, and then they got this really bad result." Holder advised Sargeant that she should "keep her chin up, and that the majority of black people would do the right thing," and that she "just had to get around those people who wouldn't." Today, Sargeant is a successful prosecutor in the Sex-Offense Section of the United States Attorney's Office.

How does Holder explain the fact that all the holdouts on the eleven-to-one mistrials he presided over were women? To some degree, of course, the gender imbalance merely reflects the demographics of



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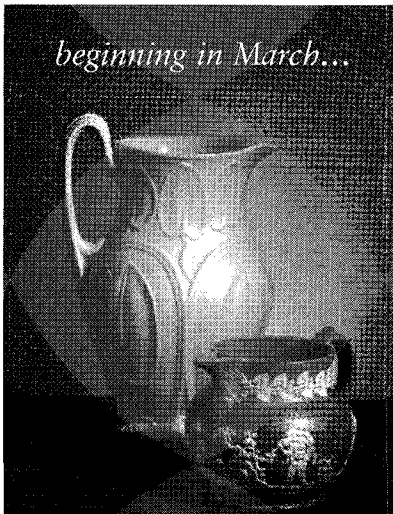
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the Washington jury pools, which are disproportionately female. Holder stresses, nevertheless, that "women identify with these young black men. . . . I think they see them as their nephews, their sons, to a lesser extent their brothers. These are generally older people—they see so much in their communities that they feel set upon in a lot of different ways."

SOME commentators have suggested that social class helps more than race or gender in identifying the unreachable jurors. But a conversation with a holdout juror undermines the claim that only the poor and uneducated are likely to hang juries. A woman I'll call Michelle Thompson (she asked me not to use her real name) was born about forty years ago to a stable, two-parent, working-class black family in south-east Washington, D.C. She graduated from the local public school, went on to Mount Holyoke, where she protested against the Vietnam War, and then graduated from Yale Law School. Five years ago, she single-handedly hung a jury in federal district court. The defendant, who was carrying a gun, was arrested by two policemen in an open-air drug market, and he dropped a plastic bag full of crack as soon as he was caught. (Cases like this are so common that prosecutors have a name for them: "dropsy.") One policeman testified that the defendant had dropped the drugs at his feet; the other recalled that he had hurled them twenty feet away. Nothing of consequence turned on the discrepancy. The defendant put up no defense. The jury, composed of seven blacks and five whites, initially voted six to convict and six undecided.

By the second day of deliberations, there were only three holdouts. The other jurors worked on them one by one, asking them questions and urging them to change their votes. Quickly, two of the three holdouts, both of them black men, abandoned their opposition. "One of them wasn't as educated or articulate as I am," Thompson recalls, "and he told me, 'You're O.K., arguing with these people. But I can't do it. They get me tongue-tied. They ask me these questions, and I feel stupid because I can't articulate my reasons.'" This left only Thompson, and she refused to budge.

"I have to admit, my personal experience growing up in Washington has put me in a situation where I don't trust the

police," she says. "I've seen them lie." She recalls that when she was a teen-ager "you didn't ride in your mama's car with a bunch of black teen-agers, because you knew you were going to be stopped." Since graduating from Yale Law School, she says, she has driven in cars with other black attorneys and doctors, and "the cops have stopped us and really humiliated the guy."

Thompson says that although she feels unfairly treated by the police because of her race, she mistrusts black officers as well as white ones. "Both of these officers were black, but I didn't believe them," she says of the officers involved in the case.



Because the two police officers disagreed about whether the defendant had thrown the drugs or dropped them, "I didn't believe either of them saw anything," she says. The other jurors, however, were unsympathetic to Thompson's claim that, because *some* policemen lie, *these* policemen could not be trusted. She recalls that when several black jurors called the defendant, who was on probation for stealing, a "low-life scum," she retorted, "I grew up with people who were bad guys, but they were still somebody's brother, and son. I saw them as human beings, not as lowlives."

At that point, class tensions bubbled to the surface. An older black woman said, "You're just one of those highfalutin liberals. We have to live with this crime, while you probably live in the suburbs. I hope he turns up at the door and terrorizes you, and robs you."

Another woman said, "I'm on the front line, and you're off having a cute life, with your degrees and your money."

Thompson was shaken. "I didn't know what to say," she says. At the end of the second day, she told her fellow-jurors, "I cannot, in good conscience, do this. I really can't. If I do this simply to go along with you guys, and to get you to stop saying stuff like 'I hope he robs you next,' I will simply be capitulating to improve my personal situation, not because I think he's guilty."

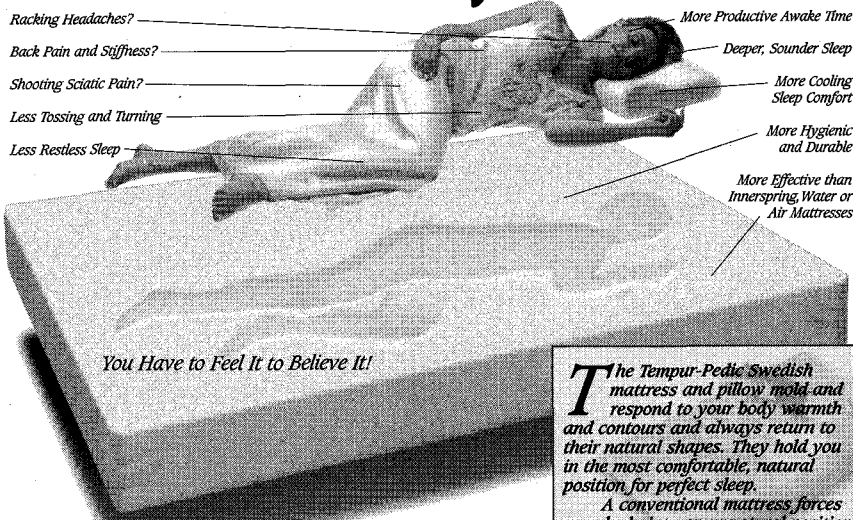
After she forced a mistrial, "I went home for two nights and cried and cried and cried," she says. "I still don't know if I did the right thing. He could have been guilty. You know what I mean? I felt the same way I felt at the end of the Simpson prosecution, where I think they left the jury very little reason to do anything but not convict." Thompson felt even worse

when one of her friends—a black prosecutor—told her that the police know who the local drug dealers are, and the reason they hadn't dusted the drugs for fingerprints, which was one of her central concerns, was that plastic bags don't hold fingerprints very well. But, reliving the experience several years later, Thompson is uncontrite. "What he was really telling me is that you need to trust whatever the police say, and I *don't*. I have seen the police lie up close and personal about things I was involved in my whole life. And it has not stopped. It still happens, even since I've become an attorney and have this middle-class façade."

ERIC HOLDER's wife, Sharon Malone, recently served on a jury, and her experience suggests that deliberating with an irrational juror may require patience and diplomatic skills such as few ordinary citizens possess. Born in Mobile, Alabama, in 1959, Malone was the last of eight children: one of her sisters, Vivian, was the student who, escorted by federal marshals, and backed by an executive order issued by President Kennedy, integrated the University of Alabama, in 1963. A graduate of Harvard College and Columbia Medical School, Sharon Malone now practices obstetrics and gynecology, and is an assistant clinical professor of medicine at the George Washington University Hospital. In 1995, she was seated on a Washington, D.C., jury. When I visited Holder and Malone at their house, in northwest Washington, she told me about her experience as a juror. A drug dealer had fired a gun after soliciting passersby from a car. A police officer heard the shot and, after talking to the passersby, who gave him a description of the dealer's car, pulled it over and found packets of crack and the gun. He arrested the driver and the passenger. According to Malone, the jury, composed of nine African-Americans and three whites, initially divided eight to four. The four jurors who voted to acquit posed a series of what Malone calls "bizarre" hypotheses. "Even if the gun was in the car," they asked, "how do we know the bullets came out of the gun?" But after a few hours there was another vote, and the gap had narrowed: eleven to one.

The holdout was a young African-American professional woman whose father was a police officer. "One of the older black men on the jury called her 'the rock star,'" Malone recalls, "because while we

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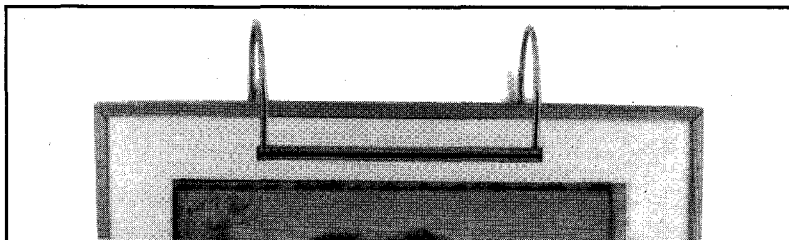
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were deliberating she would sit there with her earphones on, and her Walkman. She was a conspiracy theorist, and this was her question: 'Did they dust the gun for fingerprints?' I said, 'No. The guy has constructive possession, regardless.' And she said, 'Well, why didn't they dust for fingerprints? Maybe because he hadn't even *touched* that gun.'

At this point in Malone's narrative, Holder broke in to say that such conspiracy theorizing is increasingly common in D.C. "Remember 'Superman,' the Bizarro World and the regular world?" he joked. "We've got to the point now where the police dust guns in situations where it doesn't make sense to dust, because one juror out of twelve will say, 'Well, maybe it wasn't his gun.'"

After two days of fruitless deliberation, the foreman, a black postal worker in his early thirties, lost his temper and began to clash so angrily with the holdout that he had to be replaced. Malone was elected foreman in his place; and by talking gently to the holdout she eventually convinced her that she was being irrational. The holdout was especially concerned about facing the families of both defendants when the verdict was delivered, and so Malone brokered a deal: she persuaded the rest of the jury to agree to announce each verdict separately. Eventually, after three and a half days of deliberation, the holdout reluctantly changed her vote. "It was clear that there was a lot of other stuff she brought to that interaction that had nothing to do with the evidence and had nothing to do with the guilt or innocence of the defendants," Malone recalls. "And that is scary. But I feel that justice prevailed, because she understood that she was being irrational, and when she was spoken to correctly, instead of being attacked, she came around and she did the right thing."

Holder and Malone suggest that African-Americans who have grown up in isolation from white people are more likely to be alienated from civil society, and susceptible to conspiracy theories, than those who have had early transracial encounters. "I think Afrocentric conspiracy theorists and white racism are just two sides of the same coin," Malone adds. "They're born out of a lack of exposure. You don't know anything to the contrary—you coexist, but you don't interact." Black jurors who have grown up in mostly black neighborhoods maintain their "basic underlying prejudices," Malone con-

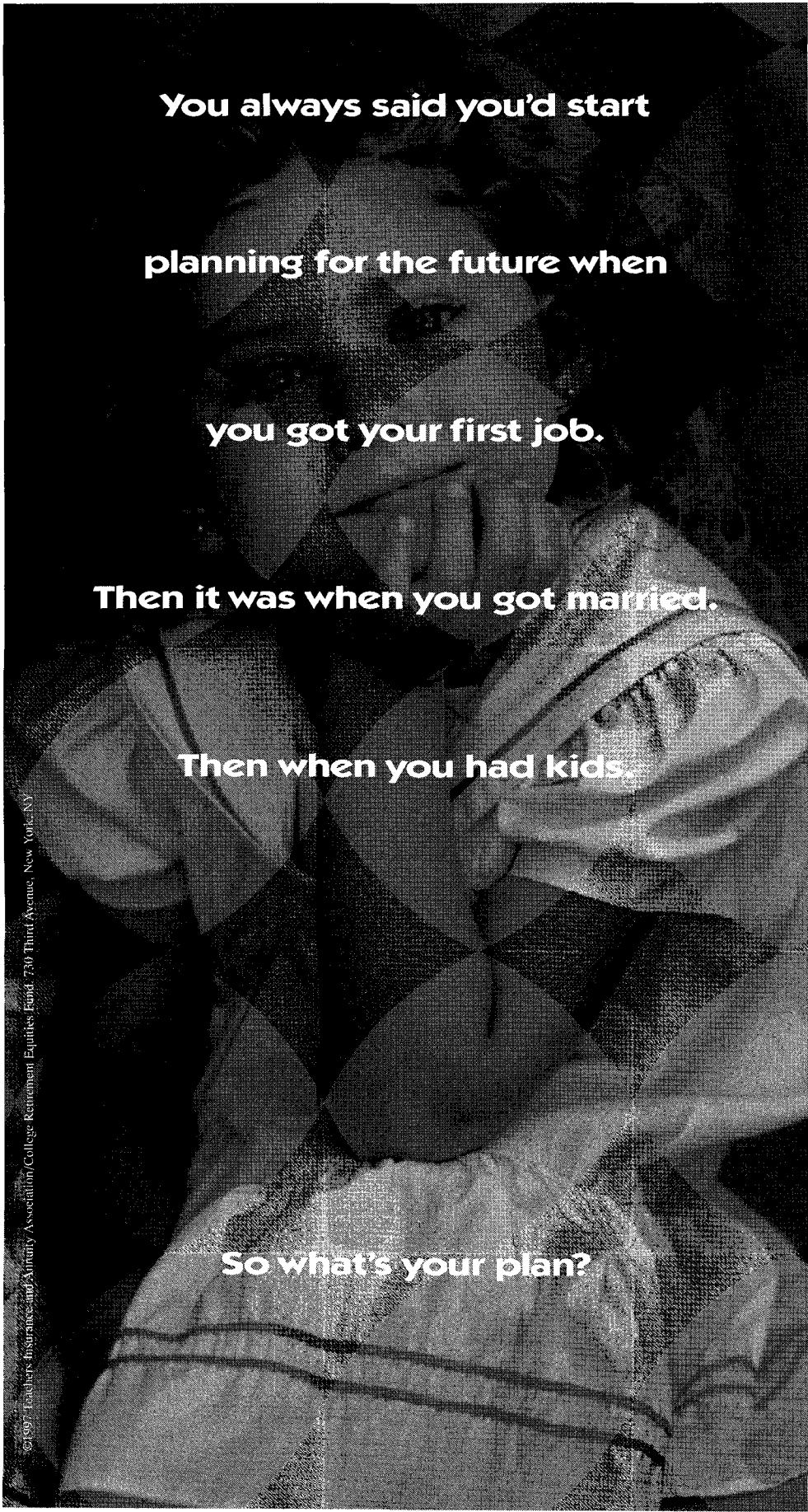
tinues. "They see black defendants and white prosecutors. They get stopped for no reason. Those are the things that stick out in your mind. And if you've never had any positive interaction to balance that out, that's what you *think*."

"I'm one of the last true believers in integration," Holder says. He emphasizes that it's unrealistic to expect black and white people to be able to deliberate together as adults if they've never learned to deliberate together as children.

If the rising percentage of mistrials amounts to a crisis of sorts for the American jury system, the profiles of unreachable jurors point to an obvious reform: nonunanimous verdicts. The Supreme Court held in 1972 that individual states can choose to waive the unanimity requirement in state trials, as opposed to federal trials, and today Louisiana and Oregon allow felony conviction by ten-to-two verdicts. Hung-jury rates in those states are unusually low. Between 1993 and 1995, for example, only four-tenths of one per cent of the felony trials in Oregon ended in hung juries. In polls just before O. J. Simpson's acquittal in the criminal trial, seventy-one per cent of Californians said they favored abolishing the unanimity requirement, and Fred Goldman, the father of Ronald Goldman, sponsored a popular initiative to amend the California Constitution to provide for guilty verdicts of ten to two.

"If everyone now gets to serve on a jury," Akhil Reed Amar, a constitutional scholar at Yale Law School, writes, "preserving unanimity might also be undemocratic, for it would create an extreme minority veto unknown to the Founders." The elimination of the unanimity requirement, in other words, might be seen as the fulfillment of our new ideal of the multicultural jury: deliberative and representative at the same time.

In January, 1997, Tyrone Gordon was retried before Judge Washington in the D.C. Superior Court. The victims trooped back into court to tell their stories one more time. After a one-day trial, the jury, which consisted of ten African-Americans and two whites, retired at noon for lunch. They ate for an hour, deliberated for an hour, and sent a note to Judge Washington around two-fifteen. As the jurors filed into Courtroom 301, they looked sober but calm. "We find the defendant, Tyrone Gordon, guilty of armed robbery," the foreman announced. All twelve of the jurors had agreed. ♦



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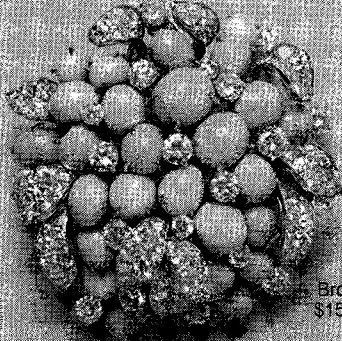
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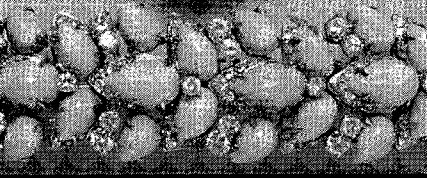
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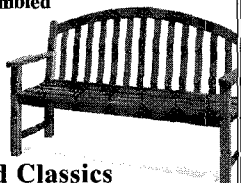
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LETTER FROM PRISON

LOCKDOWN

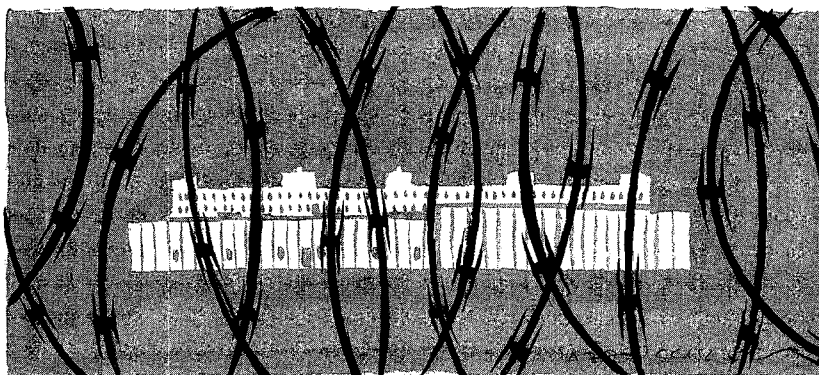
Life inside is getting harder.

BY EVANS D. HOPKINS

I KNOW something serious has happened when I wake up well before dawn to discover two guards wearing armored vests and riot helmets taking a head count. I'd gone to bed early this August evening, so that I might write in the early morning, as is my custom, before the prison clamor begins. So when

shotgun was discharged accidentally.

Oh, God, I think. Forget a few weeks. No telling how long we'll be on lock now. I try to take heart by telling myself, "It's nothing you haven't seen before, might as well take the opportunity to get the old typewriter pumpin', maybe even finish your book."



There have been reports of suicides. Some inmates have become unhinged.

I wake up I have no idea what was going down while I slept. But it's apparent that the prison is on "full lockdown status." At the minimum, we will be locked in our cells twenty-four hours a day for the next several days.

While lockdowns at Nottoway Correctional Center in Virginia are never announced in advance, I'm not altogether surprised by this one. The buzz among the eleven-hundred-man prison population was that a lockdown was imminent. The experienced prisoner knows to be prepared for a few weeks of complete isolation.

But I'm hardly prepared for the news I receive later in the day from a local TV station: two corrections officers and two nurses were taken hostage by three prisoners, following what authorities are calling "a terribly botched escape attempt" that included a fourth man. The incident was ended around 5:30 A.M. by a Department of Corrections strike-force team, with the hostages unharmed. However, according to authorities, eight of the rescuers, including the warden, were slightly wounded when a

THE idea that most people have of prison life consists of images from worst-case-scenario movies, or from news footage of local jails. Visitors to prison often comment on how surprised they are to see men moving around, without apparent restraint, having believed that prisoners are kept in their cells most of the time. In modern prisons, however, there is usually lots of orderly movement, as inmates go about the activities of normal life: working, eating, education, recreation, etc.

In a well-run institution, long lockdowns—where all inmate movement stops—are aberrations. Yet major institutions lock down regularly, for short periods, so that the prison can be searched for weapons and other contraband. Lockdowns are also called for emergencies, as this one has been at Nottoway, or, in fact, for any reason deemed necessary for security.

BY the second week of the lockdown, one of our hot meals has been replaced with a bag lunch—four slices of bread, two slices of either cheese or a luncheon meat, and a small piece of

DAVID MAZZUCHELLI

plain cake or, more rarely, fruit. Since counsellors or administrative personnel must do most of the cooking, the lockdown menu usually consists of meals that require minimal culinary skills. Today we have chili-mac (an ungodly concoction of macaroni and ground beef), along with three tablespoons of anemic mixed vegetables and a piece of plain cake—all served on a disposable aluminum tray the size of a hardcover book.

We have not yet been allowed out to shower, so I lay newspaper on the concrete floor and bathe at the sink. There is a hot-water tap, in contrast to the cells at the now demolished State Penitentiary, in Richmond, where I served the first several years of my life sentence for armed robbery, and where I went through many very long lockdowns.

I have endured lockdowns in buildings with little or no heat; lockdowns during which authorities cut off the plumbing completely, so contraband couldn't be flushed away; and lockdowns where we weren't allowed out to shower for more than a month. I have been in prison since 1981, and my attitude has had to be "I can do time on the moon," if that is what's called for. So I'm not about to let this lockdown faze me. (Besides, I am in what is known as the "honor building," where conditions are marginally better.)

Around one o'clock in the morning, the three guards of the "shower squad" finally get around to our building. They have full riot gear on, and a Rottweiler in tow. One by one, we are handcuffed and escorted to the shower stalls at the center of the dayroom area. As I walk past the huge dog, I turn my head to keep an eye on it. The beast suddenly lunges against the handler's leash and barks at me with such ferocity that I actually feel the force of air on my face. I walk to the shower with feigned insouciance, but my heart is pumping furiously. I can forget sleeping for a while.

Back in the cell, I contemplate what's happening to this place. Information about the hostage incident has been trickling in. While the show of force seems absurd to those of us here in the honor building, I have heard reports of assaults on guards in the cell houses of the main compound, where the treatment of the inmates is said to have been more severe. On the night of the original incident, some men in a section of one build-

ing refused to return to their cells, and in at least one section there was open rebellion—destruction and burning.

TODAY a memorandum from the warden is passed out, and the warden himself appears on a video broadcast on the prison's TV system. He announces that there will be no visitation until some time in October—about two months from now.

Other restrictions are to be imposed, he says, including immediate implementation of a new Department of Corrections guideline, stripping all prisoners of most personal property: televisions with screens larger than five and a half inches; any tape player other than a Walkman; nearly all personal clothing (jeans, nongray sweatsuits, colored underwear, etc.); and—most devastating for me—all typewriters.

I find this news disquieting, to say the least, and I decide to lie down, to try to get some sleep. This is difficult, as men are yelling back and forth from their cells, upset about this latest development. Many of them have done ten or fifteen years, like me, obeying all the rules and saving the meagre pay from prison jobs to buy a few personal items—items that we must now surrender.

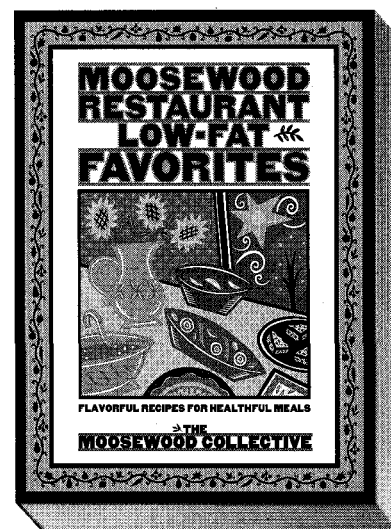
I awaken in the night, sweating and feverish in the humid summer air. Sitting on the edge of my bed while considering my plight, I look at photographs of my family. My eyes rest on the school portrait of my son, taken shortly before he died from heart disease ten years ago, at age twelve. Sorrow overwhelms me, and I find myself giving in to grief, then to great, mournful sobs.

The tears stop as suddenly as they began. It has been years since I've wept so, and I realize that the grief has been only a trigger—that I am, by and large, really feeling sorry for myself. This is no good, if I'm to survive with my mind and spirit intact. I can't afford to succumb to self-pity.

THIS new day begins shortly after 8 A.M., when three guards come to my cell door. One of them says, "We're here to escort you to Personal Property. You have to pack up everything in your cell, and they will sort out what you have to send out, and what you can keep, over there."

He looks through the long, narrow vertical slot in the steel door and—seeing

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all the books, magazines, journal notebooks, and piles of papers I have stacked around the cell—shakes his head in disbelief. “Looks like you’re gonna need a lot of boxes,” he says. I have the accumulated papers, magazines, and books of a practicing freelance writer. The only problem is that my “office” is about as big as your average bathroom—complete with toilet and sink, but with a steel cot where your bathtub would be.

Now the new rules say twelve books, twelve magazines, twelve audiotapes. Period. And “a reasonable number of personal and legal papers.” I wonder how much of all this stuff they will say is reasonable, when sometimes even I question the sanity of holding on to so much. But who knows *when* I’ll be able to get to any files, manuscripts, books, and notes that I send home? I finish packing after three hours, ending up with twelve full boxes. I sit and smoke a cigarette while waiting for the guards to return, and contemplate the stacked boxes filling the eight feet between the cot and the door. *Where are all the books, plays, and film scripts I dreamed of producing?*

As I walk to the property building, on the far side of the compound, the sun is bright, the sky is cloudless, and the air of the Virginia countryside is refreshing. I look away from the fortress-gray concrete buildings of the prison, and out through the twin perimeter fences and the gleaming rolls of razor wire, to note that the leaves of a distant maple have gone to orange. I realize that the season has changed since I was last out of the building.

I am accompanied by three guards. Two push a cart laden with my boxes, grumbling; the third, an older man I know, walks beside me, making small talk.

“Man, things are really changing here,” this guard says. Lowering his voice so that the other two cannot hear him, he tells me that he considered transferring to work at another institution, but that the entire system is now going through similar changes.

Back in my cell, I don’t have the energy to unpack the four boxes I’ve returned with. I am glad to have at least salvaged the parts of the manuscripts I’ve worked on over the years.

I lie upon the bed like a mummy, feet crossed at the ankle and hands folded over my chest, and try to meditate. However, with my tape player gone (along with my television), I have no music to drown

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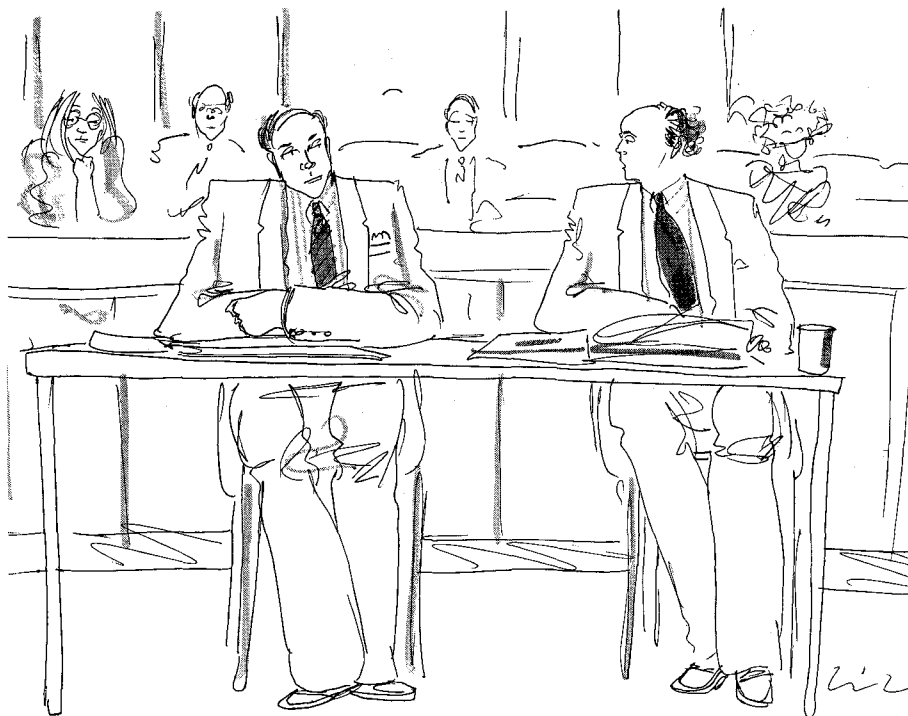


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out the sounds coming from the cell house. A wave of defeat settles over me.

I think of what I've often told people who ask about my crime—that I got life for a robbery in which no one was hurt. I'll have to rephrase that from now on. If robbery can be said to be theft by force, I can't help but feel like I've just been robbed. And I've most certainly been *hurt*. Maybe that's the whole idea, I think—to injure us, eye for an eye.

Perhaps I should acknowledge that the lockdown—and, indeed, all these years—have damaged me more than I want to believe. But self-pity is anathema to the prisoner, and self-doubt is deadly to the writer.

I get up quickly, pull out a yellow pad and ballpoint from one of the boxes, and stuff spongy plugs in my ears to block out the noise. I know that if I don't go back to work immediately—on *something*—the loss of my typewriter may throw up a block that I'll never overcome.

JUST before Christmas, the lockdown officially ends. The four and a half months have taken their toll on everyone. There have been reports of two or three suicides. Some inmates have become unhinged, and can be

seen shuffling around, on Thorazine or something.

Things are far from being back to "normal operations." There is now the strictest control of *all* movement; attack dogs are everywhere and officers escort you wherever you go. The gym is closed, and recreation and visitation privileges have been drastically curtailed. At least the educational programs, which were once touted as among the best in the state's prison system, are to resume again in the new year.

On Christmas Eve, the first baked "real chicken on the bone" since summer is served. But the cafeteria-style serving line has been replaced with a wall of concrete blocks. Now the prisoner gets a standard tray served through a small slot at the end of the wall.

As I hasten to finish my food in the allotted fifteen minutes, I look at the men from another building in the serving line. There is a drab sameness to the men, all dressed in the required ill-fitting uniform of denim jeans, blue work shirts, and prison jackets.

I spot a friend of more than fifteen years, whom I haven't seen in months. I can only wave and call out a greeting, for as we are seated separately, "mingling"

*"Brilliantly
madcap
fiendish
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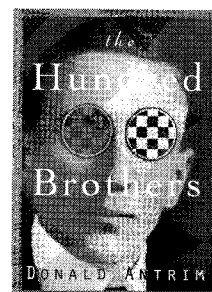
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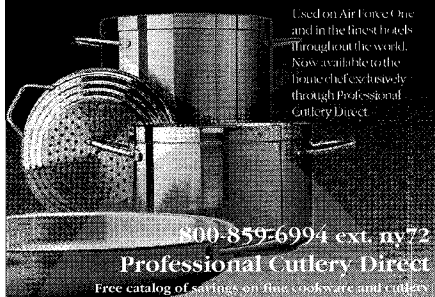


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with men from another building is nearly impossible in the chow hall. "I'm a grandfather now," he shouts to me, beaming. "I've got some pictures to show you, when we get a chance." Then he remembers the strict segregation by building now, and his smile fades. He knows that I may never get a chance to see them.

I notice a large number of new faces among the men in line. Most of them are black. Many are quite young, with a few appearing to be still in their teens.

Such young men are a primary reason for the new lockdown policies, which are calculated largely to contain the "eighty-five-per-centers"—those now entering Virginia's growing prison system, who must serve eighty-five per cent of their sentences, under new, no-parole laws.

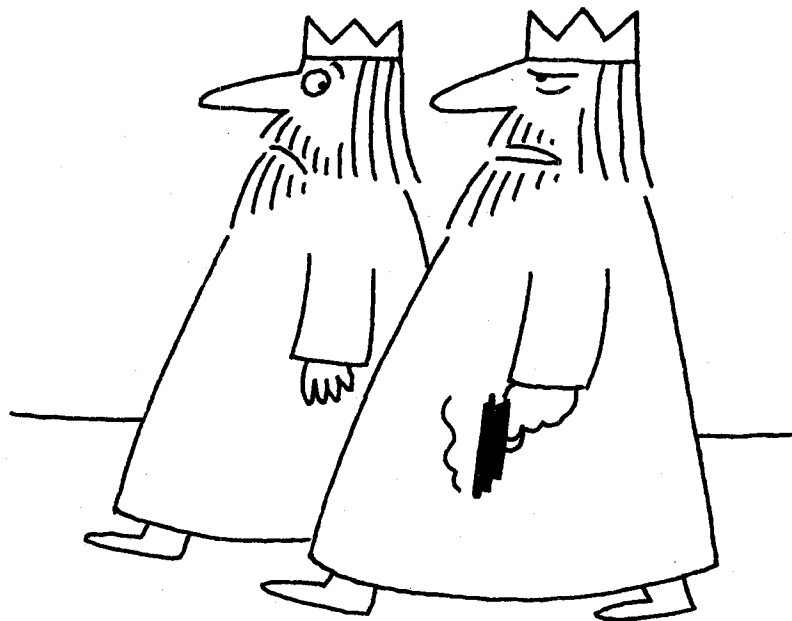
Virginia, like most states and the federal government, has passed punitive sentencing laws in recent years. This has led to an unprecedented United States prison/jail population of more than a million six hundred thousand—about three times what it was when I entered prison, sixteen years ago. In the resulting expansion of the nation's prison systems, authorities have tended to dispense with much of the rehabilitative programming once prevalent in America's penal institutions.

When I was sent to the State Penitentiary, in 1981, I was twenty-six—the quintessential angry young black male. However, there was a very different

attitude toward rehabilitation at that time, particularly as regards education. I was able to take college courses for a number of years on a Pell grant. Vocational training was available, and literacy (or at least enrollment in school) was encouraged and increased one's chances for making parole.

In the late seventies, there was a growing recognition that rehabilitation programs paid off in lower rates of recidivism. But things began to change a few years later. First, the highly publicized violence of the crack epidemic encouraged mandatory minimum sentencing. The throw-away-the-key fever really took off in 1988, when George Bush's Presidential campaign hit the Willie Horton hot button, and sparked the tough-on-crime political climate that continues to this day. The transformation was nearly complete when President Clinton endorsed the concept of "three strikes you're out" in his 1994 State of the Union address. And when Congress outlawed Pell grants for prisoners later that year the message became clear: We really don't give a damn if you change or not.

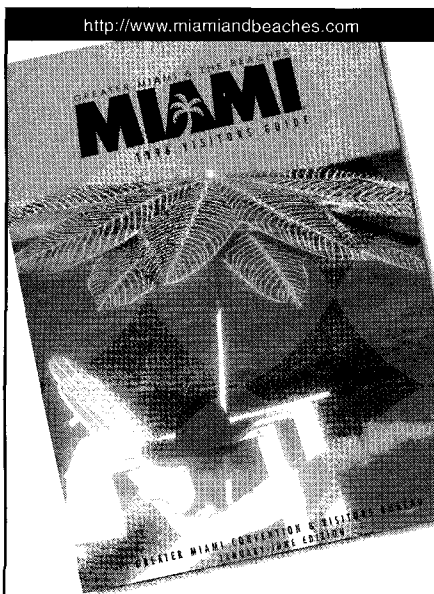
ALTHOUGH the men are glad, after more than four months, to be out of their cells, there is little holiday spirit; it's just another day. Several watch whatever banality is on the dayroom TV screen. Most sit at the stainless-steel tables and



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listlessly play cards to kill time, while others wait for a place at the table. Some wait to use one of two telephones, while others, standing around in bathrobes or towels, wait for a shower stall to become available.

Most of the men in this section of the building are in their forties or fifties, with a few elderly. It strikes me that for most of them prison has become a life of waiting: waiting in line to eat, for a phone call, the mail, or a visit. Or just waiting for tomorrow—for parole and freedom. For the older ones, with no hope of release, I suppose that they wait for the deliverance of death.

As I record the day in my notebook, I find myself thinking about my aunt's grandnephew—her adopted son. He was rumored to have been dealing drugs, and he was shot dead in the doorway of her home on Thanksgiving Day, just over a month ago; my father, who is seventy-five, was called to comfort her. With violence affecting so many lives, one can understand the desire—driven by fear—to lock away young male offenders. But considering their impoverished, danger-filled lives, I wonder whether the threat of being locked up for decades can really deter them from crime.

I understand the philosophy behind the increased use of long sentences and harsh incarceration. The idea is to make prison a secular hell on earth—a place where the young potential felon will fear to go, where the ex-con will fear to return. But an underlying theme is that “these people” are irredeemable “predators” (i.e., “animals”), who are without worth. Why, then, provide them with the opportunity to rehabilitate—or give them any hope?

Still, what really bothers me is knowing that many thousands of the young men entering prison now may *never* get that “last chance to change,” which I was able to put to good use—in an era that, I'm afraid, is now in the past. And more disturbing, to my mind, are the long “no hope” sentences given to so many young men now—they can be given even to people as young as thirteen and fourteen. Although I personally remain eligible for parole—and in all likelihood will be released eventually—I can't help thinking of all the young lives that are now being thrown away. I know that if I had been born in another time I might very well have suffered the same fate. ♦

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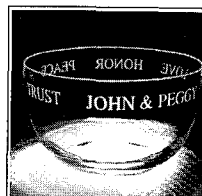
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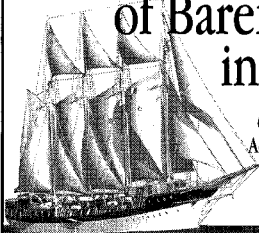
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ANNALS OF LAW

STALKING IN L.A.

Given the law-enforcement options, you'd better hope that no one becomes dangerously obsessed with you.

BY JEFFREY TOOBIN

TEN years ago, when a neighbor asked a woman I'll call Mary if he could help her move her trash cans back from the curb after a garbage pickup, she thought he was merely making a friendly gesture. A

on my machine all the time," Mary said. "He told me he loved me, he sent me gifts—flowers, chocolates—and he would always leave them right on my doorstep. I had been seeing a man, and when we broke up, John started getting abusive. I had a hard time acknowledging what was going on. I didn't want to believe it. I hate the word 'victim.' I don't like to think of myself that way, but eventually I realized I had to go to the police."

When Mary complained to the police that John was stalking her, she was greeted with contempt and indifference. One officer suggested that she "leave the guy alone." Another told her to buy a gun and then said, "Don't warn him. Just kill him." Eventually, she obtained a restraining order from a local court, which directed John to stop telephoning her or entering her property. Mary said that John violated the order more than thirty times before the



The stalking war illustrates the difficulty of translating fashionable buzzwords into effective police work.

well-educated, upper-middle-class woman, Mary lived in a quietly prosperous area of Los Angeles and operated a successful retail business in another part of town. "I said, 'Sure,' the first time he asked," Mary told me recently. "A couple of days later, he just went and picked up the cans for me. Then, I noticed that he was putting them behind a gate, inside my house. I didn't really know him, and I didn't want him inside my house, so I told him he didn't have to bring in the cans anymore."

The neighbor, whom I'll call John, was also well educated, well spoken, and financially comfortable. "He started calling me constantly, leaving messages

police arrested him. "Do you think this guy cared about the law that said he couldn't go inside someone's mailbox?" Mary asked. "Of course not. He would even add mail or remove mail." When John was finally brought to court for violating the restraining order, he insulted the judge and was sentenced to six months. "He was never sentenced for anything he did to me," Mary said bitterly. "But he did some time for speaking badly to the judge." He was out in a couple of months, though, and went back to his telephoning and letter writing.

In 1991, Mary's local precinct referred her to the Threat Management

DAVID MAZZUCHELLI

Unit of the Los Angeles Police Department, which, she learned, was the only police unit in the nation devoted exclusively to combatting stalking. Mary said the officers in the unit treated her with attentiveness and sympathy, but because John never attacked her, or even followed her or made explicit threats, there was no way to arrest him. "At one point, he wrote me a letter saying that he understood that my working in the backyard was my way of trying to get his attention," Mary told me. She paused. "When I got that letter, I made up my mind. I was going to move. I realized I was really in danger. There was nothing I could do that he would not interpret as an invitation to him. I didn't want to leave. I loved that house. But I felt I had to do it, for my safety."

Within days after she left the neighborhood, John showed up at her place of business. "He started banging on the door, but we wouldn't let him in. He then started alternating between love letters—"The Virgin Mary is nothing next to you"—and the most vile pornography, such as cutouts from magazines."

One of John's most soft-spoken messages proved to be the most distressing for Mary. "He said on the machine, 'I guess you're going to have to face the fact that I'm going to be part of your life for a very long time. I must see you, I must hear you, I can't live without you.' The horror of it was its quietness and my realization that he was telling me to get used to it. One day around this time, I got so angry that I threw my telephone-answering machine out the window. I knew I was turning into a raving lunatic. I couldn't answer the phone, I couldn't read my mail. I can't prove the connection, but I started getting sick, for the first time in my life—depression, intestinal problems, all sorts of things. He had taken over my life." Finally, working swiftly over a weekend, Mary closed down her business and left no forwarding address or telephone numbers.

That was four years ago. After T.M.U. detectives twice arrested him for violating temporary restraining orders, John moved away, but later returned. Mary still tells few people her address, uses a post-office box for her mail, and has an answering service instead of a telephone that rings in her house. Fearful that John

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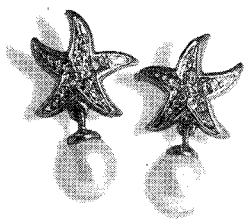
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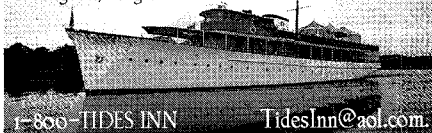
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would discover her, she never returned to the retail field. To this day, before she leaves her house she looks out the window to see if John is waiting outside and watching for her.

IN recent years, few subjects in law enforcement have received more attention from the news media and from legislators than stalking. Stories about the stalking of celebrities such as Madonna and David Letterman and of ordinary women like Mary are television mainstays, and the federal government and every state have passed laws that define the act of stalking as a crime. As the center of the entertainment industry, Los Angeles set out to establish a national model for confronting the problem with the creation of the Threat Management Unit. The unit, in turn, has adopted elements of the most popular recent trends in American law enforcement—victims' rights and proactive policing. John Lane, the L.A.P.D. lieutenant who runs the unit, calls victims of stalking "our clients," and he pursues their tormentors with what he describes as an "aggressive philosophy."

Yet, despite all the attention and effort that stalking has received, law enforcement remains largely powerless to address the concerns of victims. In fact, the Los Angeles anti-stalking experiment is the subject of a bitter feud in the small circle of experts in the field. The private security consultants who persuaded the L.A.P.D. to found the T.M.U. have now repudiated the unit's current strategies. The feud features an array of personal and financial rivalries, but it is essentially a philosophical dispute between well-meaning adversaries on both sides. The study of stalking as a discrete concept in law enforcement remains a relatively new idea, but the Los Angeles stalking war illustrates the difficulty of translating fashionable concepts and buzzwords into effective police work on the street. Mary's stalking ordeal resulted in the loss of her home, her business, and her health, but not her life, and thus the T.M.U. regards it as a success story.

The T.M.U. owes its existence to two notorious incidents in Los Angeles. In 1982, the actress Theresa Saldana was stabbed ten times by an obsessed Scottish fan named Arthur Jackson. (She recovered after undergoing heart and lung

surgery.) Seven years later, Rebecca Schaeffer, who had appeared in the television series "My Sister Sam," was shot to death on the doorstep of her apartment building by a stalker named Robert Bardo. "People in the entertainment community were outraged," Robert Martin, who was then a supervising detective in the L.A.P.D., told me recently. "I went to a conference of personal managers in Beverly Hills, and they told us how upset their clients were by the Schaeffer murder. But I had to tell them there was basically nothing we could do to help them. The F.B.I. said the same thing." Because of the peculiar nature of stalking, Martin said, it is a difficult problem for police to deal with. "Those fans would write letters, they would send flowers, they would stand in public places and watch for the person they were stalking. None of it was against the law. At the time, there was really nothing we could do for them until it was too late."

Gavin de Becker disagreed. A private security consultant to entertainment-industry figures, de Becker addressed the conference of personal managers for two hours. When he was nineteen, in 1969, he went to work as an assistant to Elizabeth Taylor—a job he kept during the tumultuous months of her second marriage to Richard Burton. De Becker's experience in supervising the couple's personal security evolved into a full-time business of developing protection strategies, primarily for celebrities. The author of "The Gift of Fear," a forthcoming book on personal protection, he remains the country's leading expert on the stalking of public figures, and has recently been hired by Bill and Camille Cosby as a consultant on the shooting death of their son, Ennis, on January 16th.

The police, de Becker said at the conference, treated stalking victims with indifference and hostility. Many police officers didn't understand how letter writing or gift giving or other incidents that might not seem significant by themselves could add up to an excruciating ordeal for the recipients. De Becker said that stalking victims needed a corps of police specialists on stalking, who would treat these women—and they were mostly women—with the respect they deserved.

So, prodded by the restless and influential entertainment community and in-

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drift purposefully, peacefully, southwest just off the mainland, a thin, green line dividing the Florida Bay and the Gulf of Mexico from the powerful Atlantic Ocean. Of these quirky, quiet, and admittedly offbeat—maybe *eccentric* is a better word—islands, **Key West** is probably the best known. But to bypass the other Keys and rush to this storied oasis would be a little like skipping directly to the end of an epic novel after reading only the prologue. Enjoying the Keys is an art and shouldn't be rushed.

The Overseas Highway (U.S. 1) connects the Keys, or at least the 34 best-known of the roughly 400 that comprise the chain, to the Florida mainland.

Skimming over the water, pulled taut among the islands, the highway is bounded above and below mostly by blue. Driving across it has been described as a dreamlike experience. Mile markers along its route serve as the surest navigational tool in the region; destinations don't have addresses—they have mile marker numbers. You can fly directly to the Keys, but the ride from the mainland affords a certain amount of decompression, of attitude adjustment.

The busy main road notwithstanding, the **Upper Keys**, skirting **The Everglades** as they do, are a world of water and nature—the common denominators among the Keys.

The “diving capital of the world,” Key Largo is home to the country's first undersea preserve, the remarkable **John Pennekamp Coral Reef State Park**. Much of this 188-square-mile park is located in very shallow water, making it accessible to anyone equipped with a snorkel or a scuba tank. If you prefer to simply watch rather than swim with the more than 65 species of fish and the 40 or so of coral—not to mention the numerous shipwrecks (so diverse in nature they constitute their own lessons in history and geography)—glass-bottom boats offer regular tours.

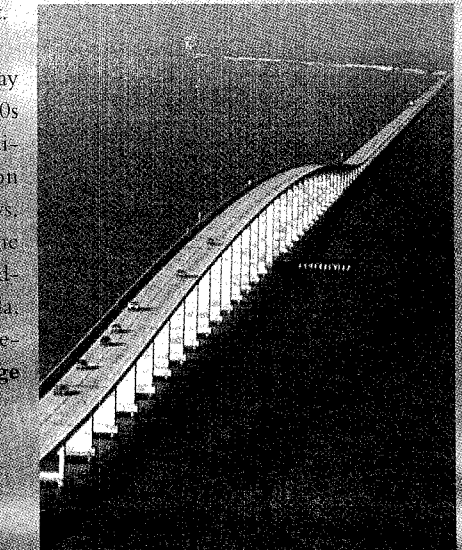
Though the park alone would be reason enough to linger in Key Largo, there are other attractions. **Dolphins Plus**, a research facility, is one of several spots in the Keys where the public can swim with dolphins. On land, a handful of galleries display the work of local artists and make an ideal hunting ground for visitors eager to take home a tangible reminder of the spirit of the Keys.



Further south, **ISLAMORADA** (from the Spanish for “purple isles”), proclaims itself “sportfishing capital of the world,” and the profusion of commercial and private fleets seems to lend credence to the claim. Charters and guides abound as do fishing tournaments for bonefish, sailfish, billfish, and probably a few more varieties as well. On route you'll pass **Plantation Key**—home to **Marker 88**, a restaurant of considerable renown—as well as the mysterious, complex, and intriguing backcountry (Florida wilderness just as you might imagine it) and **Windley Key**, where at Mile Marker 84, the **Holiday Isle** offers its own unique brand of wildlife. A favorite spot of the party-addicted, it's not overly raucous, just perpetually playful.

Throughout this stretch of the Keys, restaurants are especially plentiful as are a variety of accommodations that range from haute to homey, including the aforementioned Holiday Isle and the expensive and alluringly clubby **Cheeca Lodge**. Nature is one of the principal charms, from the **Theater of the Sea**—a marine park and one of Florida's oldest attractions—to **Lignumvitae State Botanical Site** and **Indian Key**. The island of Lignumvitae has remained all but untouched by man and consequently is an especially vibrant canvas for nature's brush strokes. Indian Key, although not as pristine, is a historic site. No roads lead to either. If you want to explore them, you'll have to do so as the first settlers did: in a boat.

The islands of **MARATHON** are the spiritual and geographic halfway point of this island chain. Once sparsely populated, a growth spurt in the 1940s triggered by a boom in sportfishing changed the area's complexion. The addition of a convenient airport serving the entire area has only made Marathon livelier. There's the illusion that there is more water in this region of the Keys. Actually, it's a case of more *bridge*: of the 42 bridges that connect the Keys, the most impressive spans lie in the islands of Marathon. Henry Flagler, the oil and railroad magnate who was a pivotal force in the development of south Florida, was especially enamored of **Long Key Viaduct**, a picturesque two-and-one-half-mile span floating on 180 arches. The modern, aptly named **Seven Mile Bridge**



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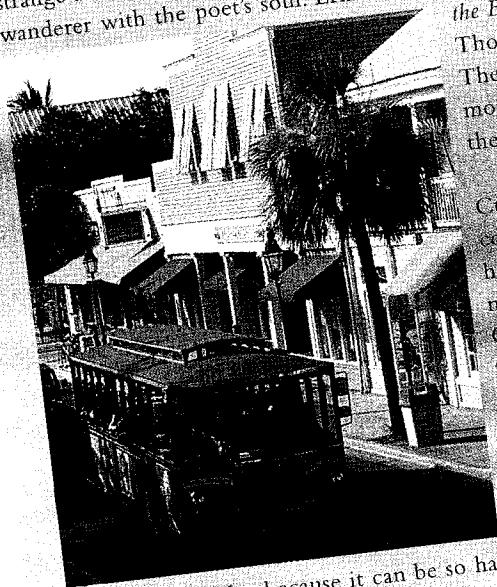
is also spectacular, the pride of the Keys' bridges. Opened in 1982, it runs parallel to its still-standing predecessor, now a historic monument.

Sunsets are marked here, as they are throughout the Keys, with great fanfare and considerable awe. Witness the spectacle (of both the sun sinking into the water and the celebration that accompanies it) at the popular **Sunset Cafe** or the tiki bar at **Shucker's**. Other local wonders include **Crane Point Hammock**—a tropical forest with a pleasant looping trail—and Flipper's old stomping ground, now the **Dolphin Research Center**.

Crossing Seven Mile Bridge, you enter the Looe Key National Marine Sanctuary, and the shift in mood is palpable. This intriguing island cluster is more mysterious, less populous, and perhaps more secretive than the neighboring islands to the north. Bona fide characters live here, the kind you might encounter in an Elmore Leonard novel. And while the area is less inclined to nightlife than the North and Middle Keys, there's plenty to do during the day. There and nature preserves of both the aquatic—**Looe Key National Marine Sanctuary Deer Refuge** is home to some 300 Key Deer, a miniature version of the Virginia White-tailed Deer—and the land. The refuge also has a curious-looking bit of architecture: a bat tower with a sad, strange history, but, alas, it can be traced, in large measure, to the Looe Key's history as a kind of

The unique charms of

The unique charms of strange and appealing island, where the prince wanderer with the poet's soul. Ernest Hemingway



to chic. Or maybe, because it can be so hard deciding where to go in a big town. Be sure and take off your watch though (not for safety's sake, just because wearing one is the mark of a tourist).

Make the segue from night into day by joining the pilgrimage to **Mallory Dock** for the ritual sunset celebration. Mimes, musicians, jugglers, and more are on hand if you grow jaded by the sight of a great glowing orb sinking silently into the sea.

History, mystery, adventure, and nature: the Keys aren't one vacation—they're many. And because each of these remarkable islands has a character all its own, you can design your getaway to suit your mood. Do it all or just relax and dream about it in the Florida Keys.



and perhaps more secret. Characters live here, the kind you might find while the area is less inclined to have its plenty to do during the day. There's diving (sky and scuba), fishing, airplane rides, and a miniature version of the Virginia White Tail that roams the mainland. There's also a **Key National Marine Sanctuary**—and landlocked variety—the **National Key**—er with a sad, strange history but, alas, no bats.

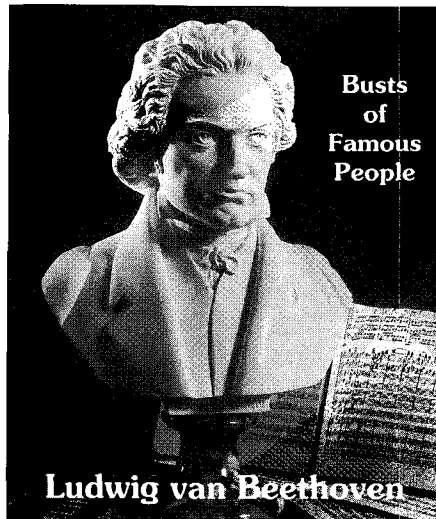
can be traced, in large measure, to its relative isolation from the mainland. The principal pursuit would seem to be a kind of lazy beachism, has long been a magnet for the highway lived here, and he remains a local icon. The home where he penned *For Whom the Bell Tolls* and *A Farewell to Arms* still stands. Tennessee Williams, Truman Capote, and Thornton Wilder are just a few of the other talents who were drawn to Key West. Their spiritual progeny continue to embrace the place, endowing this tiny isle with more—and more kinds—of artists and artisans per square mile than any other city in the world.

musical festivals, theater festivals, and

Culture, both high and low, flourishes. There are music festivals, theater festivals, and of course the omnipresent nightlife. (Perhaps nightlife is a misnomer because it seems to have little regard for time of day.) Key West presents a small town face with a cosmopolitan wink. And unmatched style. The architecture for example, gingerbread Gothic resides next to plainly utilitarian. Guest houses, hotels, and restaurants range from quaint, even modest, to extravagant.

Cultivate a tan, ponder the flora and stroll in this town built for walking. There are plenty of museums if that's your pleasure, museums like the **Little White House**, President Harry Truman's tropical hideaway. Or if you're feeling the urge to exercise your consumerist prerogative, stroll down **Duval Street**, where the wares range from cheap to fancy. Where to begin, take a ride on the **Old Town Trolley** for an overview of the

take a ride on the Old Key West trolley. The trolley is a historic vehicle that takes you on a tour of the island. It is a fun and informative way to see the island. The trolley is a historic vehicle that takes you on a tour of the island. It is a fun and informative way to see the island. The trolley is a historic vehicle that takes you on a tour of the island. It is a fun and informative way to see the island.



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spired by de Becker, Martin established the T.M.U. Other forces were also moving the L.A.P.D. in this direction. Like all police departments, the one in Los Angeles was starting to take the problems of victims' rights more seriously than it had in the past. In addition, the strategic evolution that William Bratton brought in 1994 to the New York Police Department, which emphasized arrests of even minor lawbreakers, was starting to be felt on the West Coast. "From the days when I first started as a cop on the street, I used to see women who were getting stalked and harassed, and I hated it that there was nothing I could do," Martin said. "I wanted to give these women somewhere to go."

It quickly became apparent that the problem was far broader than that of ce-

lebrity stalking. "We got some publicity when we opened the unit, and we started hearing from people who were being stalked by co-workers," Martin said. "In those days, it wasn't fashionable for domestic-violence victims to come forward, but that was obviously a big part of the problem, too. The celebrity stuff became a smaller and smaller part. No one at the L.A.P.D. knew that the problem was such a big deal until we got into it."

The Threat Management Unit has been widely praised for its sensitive approach to victims. Soon after its creation, however, controversy arose about the way the unit treats the stalkers themselves. Shortly after he founded the unit, Martin turned it over to John Lane. Lane clashed with de Becker, the private

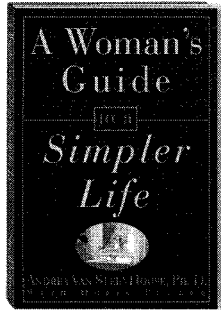


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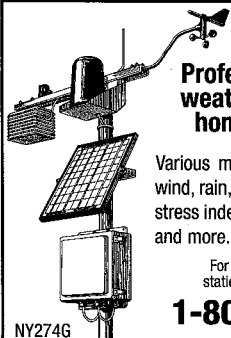
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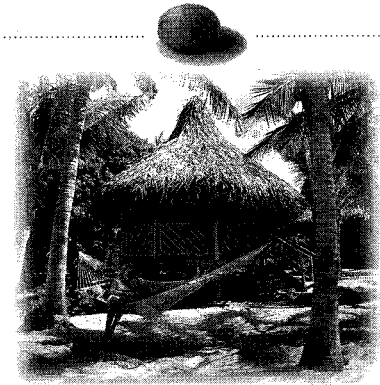
consultant, who had given advice to T.M.U. detectives but had never served as a police officer himself. Lane generally favored direct confrontations with stalkers. "We're cops," Lane told me recently. "We arrest people. That's what we do. If there's a hallmark to our unit, it's that we are proactive in intervening in situations before they become aggravated. We'll learn a stalker's routine and research his record, and sometimes we'll go to a stalker's workplace and tell him to knock it off. We always take action."

Over the years, Lane has worked out a standard procedure for dealing with a stalker. It begins with obtaining a restraining order that directs the stalker to cease approaching the victim. "We usually get a restraining order to start," Lane said. "We do this for two reasons. First, our research shows that it does have a controlling effect on a stalker, and, second, even if the order doesn't work every time, it can get us additional penalties under the stalking law when we do wind up arresting the guy."

The philosophical differences between the cop and the consultant are summed up by a sign that de Becker keeps on his desk for his clients to read: "Do not come here for justice." His message is not one that his clients enjoy receiving. "I often tell my clients who aren't public figures to move, to change their phone numbers, to change their jobs," de Becker told me. "They always say the same thing: 'It isn't fair. I'm the one who's being stalked. Why do I have to move?' But it's a question of justice versus safety. The paramount issue in life is not justice. It's life." Whereas Lane's strategy tends to revolve around direct attacks on the stalkers, de Becker's focusses on strategic retreats for their victims.

Just after Lane took charge of the unit, he had an opportunity to put his philosophy into action in the case of Susan Dyer. The case was an aggravated example of a pattern that the T.M.U. had confronted frequently. Neither party was famous. (In recent years, celebrity stalking has accounted for only about ten per cent of the T.M.U.'s caseload.) Instead, Susan Dyer's obsession grew out of a brief, failed romantic relationship.

In 1991, Susan Dyer began calling her former lover, a woman named Jane, on the telephone at all hours, left gifts and letters on her doorstep, and arrived



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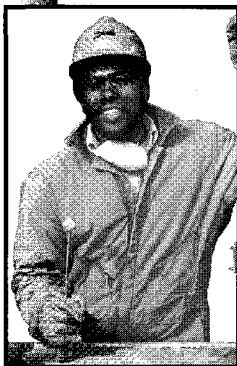
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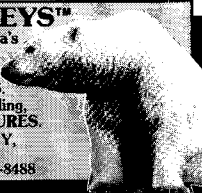
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uninvited at her new place of employment. At one point, Susan began writing letters to many of Jane's friends describing her own anguish at the end of their relationship. Realizing that her Rolodex was missing, Jane went to the police. In October, a T.M.U. detective obtained an arrest warrant for Susan for the alleged burglary of Jane's home.

Susan was arrested and then was released on bail. "Susan's father had a gun in his house, and Susan went and got it," Rhonda Saunders, the deputy district attorney who prosecuted Susan, recalled recently. "Susan went right to Jane's house. Jane had two friends over. Susan was pointing the gun at one of the women, then at herself, and finally Jane and her friends managed to escape, even though Susan still had the gun." The police SWAT team was summoned, and after an eight-hour standoff Susan surrendered. (At the conclusion of the incident, Jane hired a security company to wire her home with alarms, and the installers found that Susan had built a makeshift bed in the crawl space under the house and was actually living there at the time she was arrested.)

In 1990, in response to Rebecca Schaeffer's murder, the California legislature had passed the nation's first anti-stalking law, which made it a crime to repeatedly follow or harass anyone in a way that creates a "credible threat of death or great bodily injury." However, the new law was phrased in such a way that Rhonda Saunders was unable to prosecute Susan Dyer for stalking. In 1992, she was found not guilty of burglary, and was convicted of assault with a gun and brandishing a gun at a SWAT-team officer, and was sentenced to seven years in prison. Rhonda Saunders, who has campaigned successfully for changes in the law, says, "There really is no way you can make it a crime to do most of the stuff that stalkers usually do—the letters, the phone calls, the gifts."

THE Dyer case had a disturbing postscript. While I was visiting John Lane at the T.M.U. in January, not long after Susan Dyer had been released from prison, he received a telephone call from Internal Affairs informing him that

Susan had registered a complaint about the T.M.U., whose work had led to her incarceration. Lane shook his head. "She's back," he said.

When I told Park Dietz about Susan Dyer's return, he was not surprised. Dietz is a forensic psychiatrist who has long studied stalking—a subject he learned about the hard way. He was an assistant professor of psychiatry at Harvard Medical School in the early nineteen-eighties, and during those years he was himself stalked for many months by an acquaintance. Now based in Orange County, outside Los Angeles, Dietz runs the Threat Assessment Group, which advises large companies on violence prevention, and he also testifies frequently on the insanity defense in criminal cases. His business often collaborates and sometimes competes with de Becker's, but the two men consistently agree about the problems of the T.M.U.

Dietz usually sees stalking as it affects his corporate clients—when an employee is being stalked at the workplace. The companies that Dietz advises employ several million workers. Like de Becker, Dietz favors an approach that emphasizes safety—the safety of a client's workplace and of the individual employee—over law-enforcement intervention. This usually means advising the victim to leave the job, and also taking other precautions. "We'll recommend going to the cops if we

see a stalking case where we're confident we can get a felony arrest, pretrial detention, and a probability of incarceration for more than two years—that may happen once a year," Dietz told me. "Or we may see a case where we can get a civil commitment to a mental institution for long enough for the stalker to receive effective treatment. That, too, may happen once a year. Then, there's the case where we feel we can't get the stalker put away for that length of time, and we find that the employee involved doesn't want to be moved to another location. If we can't fix the stalker, can't protect all the employees on our client's premises, and believe there is a continuing danger, then we work out an arrangement with her where she feels fairly treated." Dietz said this meant that the victim is asked to

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leave her job, and the client provides a financial settlement and gives her outplacement.

I told Dietz that that sounded outlandish and asked him how often such a thing could possibly happen.

"About twice a week," he said.

Dietz said that he was only being realistic. Any other approach "arises from a legal theory that misunderstands human behavior," he went on. "It is the basic idea that people will behave in their own rational self-interest. For eighty to ninety per cent of humanity, that's true. But stalkers are all mentally disordered, or worse, so it's an oddity when one of them behaves in rational self-interest." A celebrated case that the T.M.U. helped to investigate last year illustrates this point. Even though Robert Hoskins was being held pending sentencing for stalking Madonna, he scrawled a message on his jail cell that professed his love for the singer and signed it "The Madonna Stalker." (Hoskins was sentenced to ten years in prison.) To get a restraining order, Dietz said, "you need to go to court, give the stalker an opportunity to be there with you, and basically create a confrontation with the guy." Dietz believes that these confrontations can often lead to the stalkers' increasing their harassment of victims. All in all, on the basis of what he's seen, Dietz said, "restraining orders do more harm than good."

SUCH views are nonsense, according to Michael Zona, who unequivocally endorses Lane's methods. As a medical-school resident studying psychiatry in 1991, he became fascinated with the issue of stalking, and volunteered to advise Lane and the T.M.U. detectives about their cases. Zona is a police buff. In his office, in Orange County, he has a photograph of himself and several T.M.U. detectives dressed like thirties gangsters and holding fake submachine guns borrowed from the Universal lot. Lane, pleased to receive the free assistance, made Zona a "reserve police officer," which allowed him access to the case files. A skilled medical entrepreneur, Zona now manages a practice of eighteen psychiatrists and conducts a small private practice of his own. Lane intends to retire from the L.A.P.D. in

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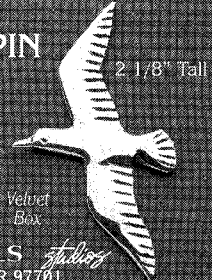
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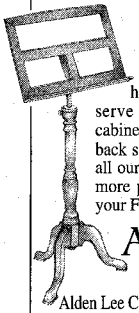
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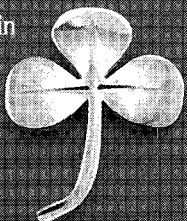
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July and join Zona in forming a private threat-management business—a direct competitor to de Becker's and Dietz's operations. The Los Angeles stalking debate largely comes down to de Becker and Dietz on one side and Zona and Lane on the other. (To be sure, each side in this dispute tends to its commercial interests. When I sat down with Dietz, he informed me that he had trademarked the term Threat Assessment and that I should use it accordingly.)

"What we have found is that police intervention has worked tremendously, and so we do hundred-per-cent—and I stress hundred-per-cent—interventions with our clients at T.M.U.," Zona told me. "It's two-pronged. The first relates to the victim. We instruct her to cut off all contact, and that's often harder than it sounds. Sometimes a victim gets called twenty-five times to meet the guy for coffee, and she'll finally agree, hoping that the guy will leave her alone at that point. It takes a while for her to realize that this kind of behavior of accommo-

dation only encourages a stalker. He'll figure that if it takes twenty-five calls for coffee he'll get dinner with fifty calls." (De Becker and Dietz agree that the victim must cut off all visits with the stalker.)

The second prong of Zona's approach—the controversial one—involves the stalker. "Restraining orders are a wonderful tool, and they do work if you follow up on them," Zona said. "If we get one and the suspect shows up, we are all over him. T.M.U. bird-dogs the situation. Look at it this way. Some people die on chemotherapy. Some people die when they get restraining orders. But that doesn't mean that you don't do chemo—or that you don't get restraining orders."

It's an imperfect comparison (you can hide from a stalker but not from cancer), and Zona has little research to support his position. His most frequently cited published article on stalking concerns only the first seventy-four cases from the T.M.U. and does not include domestic-violence cases.

(Zona says his latest study, which involves three hundred and twenty cases, includes victims of domestic violence.) Other research in this area is relatively scarce. However, it generally supports Dietz's assertion that restraining orders may harm more than help victims of stalking, especially if the stalkers are mentally ill. According to a privately funded study published in 1996, of all temporary restraining orders issued within two jurisdictions in Colorado, more than half the women who sought protective orders reported unwanted contacts with their pursuers within three months of the first order. Barbara E. Smith, the coauthor of the study, told me, "The restraining orders that tend to work are those where there's not a set-in pattern of violence. If it's a person who hasn't been stalking for very long, it may work. If it's celebrity stalking, it probably won't do any good." Smith cites the difficulty of establishing perfect controls—that is, figuring out what would have happened if the victim had not got the order. "By and large, if you asked those women if they wanted the order, they would say yes," Smith said. "Maybe it only lessened the severity or the frequency of the attacks, but at least it did something."

Lane and Zona would argue that such compromises are a victory of sorts. Lane touted Mary to me as a T.M.U. success story—a grateful client effectively served—but she survived her ordeal chiefly by using the strategy favored by Lane's rivals, de Becker and Dietz. And it is difficult to see what happened to Mary as any kind of success. A justice system based on the prosecution of discrete criminal acts appears to be incapable of protecting women like her. Consequently, both sides in the stalking debate may be guilty of a kind of hubris. Mary may understand this point better than her putative protectors. "A friend of mine said I shouldn't ever consider myself safe until I see a death certificate for this guy," Mary said. "I think my friend's right." ♦

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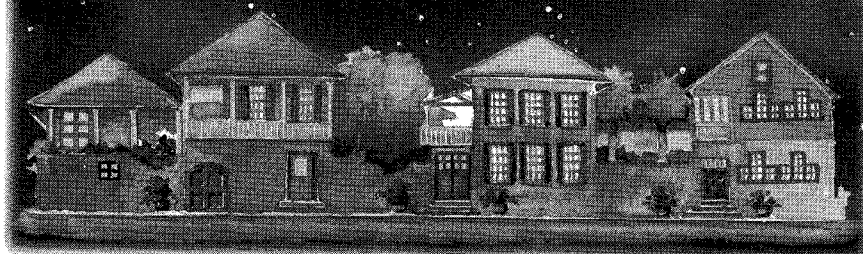
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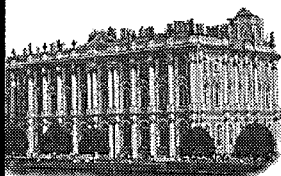


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PERSONAL HISTORY

GIVING UP THE GUN

Why I did it.

BY ANDRE DUBUS

IN the winter of 1990, sitting in my wheelchair in a sleeping compartment on a train from Portland, Oregon, to Chicago, I gave up my guns and the protection I believed they gave people I loved, and strangers whose peril I might witness, and me. At home in

safely, and that no woman would ever be raped if I was with her. I cursed and wept, and he was sympathetic and said he would immediately start the background investigation required by the state. A detective took my fingerprints, and I went to a photographer for a picture.



"It's a .22 hollow-point, son. It'll spread your guts all over that window."

Massachusetts, I had a metal gun box with two locks, and in it were eight handguns, including a small .22-calibre revolver four and a half inches long. In my wallet on the train I had a Massachusetts license to carry firearms. In the space on the card for "Occupation," a police officer had typed "Author"; in the space under "Reason for Issuing License," he had typed "Protection."

For thirteen years, I had had a license. I still have the one that was with me on the train, but it expired six years ago, in 1991, and the guns have been locked in their box since I returned from Oregon. Thirteen years before I rode that train, someone I love was raped in Boston by a man who held a knife to her throat. I went to my local police chief and told him I wanted a license, that my father had taught me to shoot and so had the Marine Corps, that I would own a gun

In about three weeks, I had my license, and I went to a sporting-goods store to choose and buy a gun: a Charter Arms .38-calibre snub-nosed revolver, because it cost less than a Smith & Wesson or a Colt. I did not own a suit and rarely wore a sport coat, so a shoulder holster would not do. The store owner made me a shadow holster: a leather one whose belt slot was low so that most of the holster and the gun were above my waist. I could wear a pullover shirt or a sweater, or even a loose-fitting T-shirt, and you could not see the gun. My thirteen years as an armed man began.

FOR a long time I put the gun on my belt only when I went to Boston with a woman. Then I was certain that she would be safe, and I was also certain that I would never have to use the

NATHANIEL LEIB FROM "BULLET PROJECT" (1994-95)

gun; that my simply being prepared for rapists or other violent men would keep them from my path. And, if that failed, I was certain that I would not have to shoot anyone; I would only have to point the gun at a man while the woman with me called the police. Maybe I would have to fire a shot straight up in the air, if this man who I did not believe would appear should appear anyway, intent on removing me with his fists or a weapon and taking the woman. If a shot in the air did not change his dark direction and send him running—if, instead, he attacked—I would shoot his leg or shoulder. This was all very tidy, and I believed it.

After a few years, and a lot of newspaper stories, I began asking myself questions whose answers were not in my brain, my body, my gun, but in my soul, though I did not know that. What if I went to the city not with a woman but with a man, to a Red Sox game or a movie, and we should see people attacking a woman or a man not in order to steal but to harm or rape or kill? I was no hand-to-hand fighter, and did not intend to be. I also did not intend to watch a crucifixion in any form. I started bringing a gun every time I went to Boston: to Fenway Park, to a jazz club, to dinner in a restaurant, to a movie.

When I fired the Charter Arms .38 at a target, it would often spit tiny fragments of lead toward my face. So I sold it at a gun store and bought a used .380 semi-automatic, and I put it in the pocket of my jeans, with my keys and coins, and it was flat enough to be concealed. Through the years, when I had the money, I bought other guns. One was another snub-nosed .38—this time a Smith & Wesson that fit in the shadow holster. By now, I had begun loading the guns with hollow-point bullets, so if I had to shoot a human being in the shoulder or leg, the bullet would not go through him and hit someone else but expand inside his body.

The guns were to protect *other* people. No one would rape me. If someone wanted my money, he could have it. If someone felt like beating me, I could run. But I had the gun, and I believed that nothing would happen, and that if something did happen it would be just as I had imagined it. My confidence in this was foolish, and the foolishness was

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as thoroughly concealed from my soul as the gun in my pocket or my holster was concealed from the eyes of other people.

IN 1985, I went to Alabama by train with my wife and our three-year-old daughter, and brought guns for hunting, for target shooting, and for carrying if I should feel the need to in Tuscaloosa. I went there to earn money, to hold the writing chair at the University of Alabama for a semester. I had grown up in Louisiana, where guns in homes were usual, where an adult could carry a gun if it was not concealed, and men who worked in woods or swamps often wore holstered handguns so they could shoot snakes; I assumed that Alabama in 1985 would be like Louisiana in the forties and fifties. A few days after we arrived, I went to the sheriff's office and showed a deputy my Massachusetts permit, and asked him if I could carry a handgun. He said that a non-resident couldn't carry a gun in Alabama. The deputy was a friendly man, and after a while he told me to get a letter from the English Department, showing that I was employed in Alabama. He said the letter and my Massachusetts license would make everything all right.

"If it went to court," he said, "the judge would throw it out."

"What if there's trouble, and I have to use it?"

"Then it's never a problem."

Tuscaloosa did not seem like a place where I needed a gun. Of course, if you are a person who feels the need to carry a gun, you need one everywhere. But the territory of violence was in my imagination: cities were places where predators lived; towns and small cities were not. I drove and walked in

Tuscaloosa unarmed, until I bought the .22 revolver, four and a half inches long, stainless steel with brown plastic handgrips. It holds five rounds, and you load and unload it by removing the cylinder, which means the gun is as safe as a handgun can be: the cylinder is either in place or not; if it is, you handle the gun as though it were loaded even when you know it is not. Because of the training given me by my father and the Marine Corps, I always assume that a gun is loaded. I also attribute to a gun the ability to load itself, even fire itself,

without being touched by a human hand.

I love guns, especially well-made pistols and revolvers. Many of them are beautiful, and their shape and balanced weight are pleasing to hold. I love the relaxed concentration of aiming a gun and squeezing its trigger, the thrill of hitting a bull's-eye or a can. When I hold a gun, I do not imagine the death of a human being, which is the purpose of most handguns. I know people who are frightened or appalled by guns and do not want to hold one, spin its cylinder, or pull its slide to the rear and watch and hear it move forward, hear that perfect and final click as the slide pushes a bullet into the chamber. These people are right to be afraid: they see a bullet entering a human body. In the gun store in Alabama, I held the tiny .22 as another person might hold a pocket watch or a ring, a hammer or a golf club. To me, that gun, like all my guns, was somehow alive, with a history and a future—with a soul. I loved it, and bought it.

Before I could bring it home, I had to wait about a week for permission from the State of Alabama. Once I had it, I took out the cylinder at home and loaded it with four rounds of hollow points, leaving an empty chamber under the hammer; I put the gun in the right pocket of my jeans, with my coins, keys, and lighter, and it was always there, when I left the house for Mass or work, errands or shopping, or pleasure. I did not fire it, and did not expect to until I went home to Massachusetts, where in my basement I had a target for .22-calibre weapons. The little gun in my pocket amused me. It was, I said, for gentle places, where there would be no trouble. I called it Misty.

IF it had not been in my pocket the night I aimed it at a man's stomach, I do not know what would have happened on that crowded sidewalk across the street from the university. It was a Friday, my wife and daughter were out of town, visiting relatives, the evening was warm, and I began it with happy hour on the patio of a restaurant we writers liked. Most of the writers I knew in Tuscaloosa were graduate students, and



we liked this place because we could drink cheap Margaritas and afford Mexican appetizers until six o'clock. One of the women on the patio that evening was a graduate student who was separated from her husband; she had a young daughter and was afraid the daughter would go to live with the father. Later, she and her husband lived together again, and remained married, but that night it did not seem possible, and she was in pain.

She had driven me to the bar, and at six o'clock, when the prices of drinks changed and the writers dispersed to the other cheap bars or home for dinner, the woman and I drove to the video store. On the patio, we had decided that we felt like seeing "Rebel Without a Cause." We rented it to watch at my house, but we wanted first to sit in a quiet air-conditioned bar we knew and drink club sodas and talk about divorce, and she drove there. It was twilight now, and the street lamps were on. She parked around the corner from a block of bars and restaurants facing the campus. We walked to the corner.

Then a man with no hands came

around it and stopped in front of me. He was stocky and short, and I looked down at his face. I was taking a cigarette from a pack when he asked me for money. I offered him a cigarette; I did not know how he would manage to smoke it, but I felt that he did not want my help. Somehow, with his stumps or an elbow, he got it to his lips. I was not watching; I was taking money from my wallet and slipping it into the left pocket of his pants. Then I gave him a light. He said, "I saw that."

I do not remember what he did with the cigarette. I said, "You can buy me a drink."

"Where?"

I nodded at the corner bar beside us. He said, "I can't go in there."

"Why?"

"I'm eighty-sixed."

"Let's go anyway."

The three of us went inside; it was crowded with students, and dark, with loud talk and laughter and music from the jukebox, and I went to the bar. The bartender said, "Sir, that man can't come in here."

"Why?"

"He makes trouble."

I wondered what kind of trouble a man with no hands could make. We went outside. At the door, the man without hands said, "Let's go to my place."

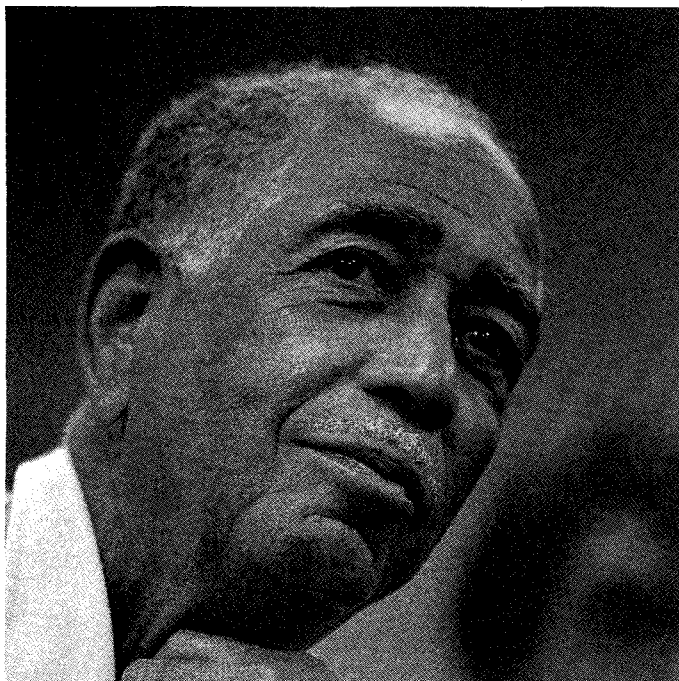
"No, thanks; we're going down the street."

He crossed the street to a liquor store on the opposite corner, and the woman and I watched. He came out with a case of beer on his right shoulder, his stump holding it in place. He lifted the other to wave, and we waved at him. Then a young blond man was standing with us; he had come out of the corner bar. He looked like an undergraduate. He said, "Mister, that man is trouble."

"What can he do, without hands?"

"Believe me, he's trouble."

He was an affable young man, and the three of us chatted for a while. He invited us to have a drink, but we thanked him and walked down the block to a well-lighted bar where you could nearly always sit among quiet strangers. We did that, and drank club sodas with wedges of lime and dashes of bitters, and talked about divorce. We



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assumed that her daughter would not live with her. I had never known a woman who had lost custody of her child, but I understood her suffering. We talked about it and drank club sodas for two hours or more, and I no longer felt the happy-hour Margaritas.

While we were becoming sober, the young blond man, back in the bar at the corner, was probably drinking too much. It is easy to conclude that someone dangerous at night, outside a bar, is drunk; but I shall never know whether that man was drunk and doing something he would not want to do in his normal state, or whether he was a violent man whose trajectory met mine on a sidewalk in Alabama.

When the woman and I left our seats at the bar, I was tired because of what we had talked about, and we were not certain we still wanted to watch the movie. It had been a delightful idea when the sun was shining and in its light we were drinking on the patio. Now it was nearly ten o'clock. We stepped out of the air-conditioned bar, into the warm air and street-light glow, and I held her elbow to guide her through a group of large black men who had come down a stairway from an upstairs bar. I felt her body tense, and I looked at her face. She seemed afraid, and that surprised me. In Alabama, except for that Friday night, I saw no trouble between white and black people, and I did not hear of any bigotry. This was one of many reasons I loved my time there.

I do not know why she seemed afraid as we strolled through the group of black men standing happily at ease on a hot night. But I held her arm, and she and I walked nearly the length of the block—were back at the corner where we had talked with the man without hands and the young blond man—when I heard a voice say, "Nigger."

I stopped and turned. The young blond man stood about twenty-five feet from me; in his right hand was an open pocketknife with a long and wide blade, and he was looking at a small black man. Behind the black man was a wall, and his back touched it. The blond man slowly moved toward him. I put my right hand in the pocket of my jeans, gripped the revolver and pulled it out and cocked it and aimed it

at the blond man's stomach. I knew nothing about the accuracy of this little gun; if I fired at his shoulder or leg, I might not hit him at all. I saw the gun sight at the front of the barrel, his stomach, the silver blade of his knife, and his face. To his right, some young white men were telling him not to do this, but to me they were as distant as campus buildings hundreds of yards away; I do not even

know how many of them were there. My hand aiming the gun was steady and I said loudly, "Put away the knife."

He looked at me, recognized me, and said, "Fuck you."

I had no images of my history or my future, not even of pulling the trigger or not pulling the trigger. The voices of his friends—indeed, all the sounds on the sidewalk and street and coming from the bar on the corner, only a few feet to my right—were like wind you have been hearing for hours. All of me focussed on the knife; it had to disappear; and I was mysteriously calm. I said, "Put it back in your pocket or I'll shoot."

"Fuck you." He was not moving. I glanced at the black man standing against the wall. The woman stood to my left; either she was silent or I did not hear her—she was as distant from me as everyone else on the sidewalk, save the blond man and the black man against the wall. I remember only one instant of one wish: that the black man would run away. I said to the blond man, "I mean it."

He spread his arms from his body, and said, "Fuck you. Shoot. Go ahead. Shoot."

The voices of his friends rose. I could see their hands and faces to his right, and they were pleading with him, but they did not touch him. The young man's arms were still spread, and he said, "Shoot me. Go ahead. Shoot me."

Over the barrel of the gun I looked at his stomach; my arm was extended; the gun was steady. I said, "It's a .22 hollow-point, son. It'll spread your guts all over that window."

"All right." He started walking toward me, his friends moving with him, talking to him. Then he was close to me, and everything had changed. I pointed the gun in the air, and eased the hammer into place, then lowered the gun to my side. He still held the knife; when he was two feet from me he stopped



and said, "Tell you what. I'll give my buddy the knife, and you give her the gun, and you and me'll fight it out."

I imagined the back of my head hitting the sidewalk. He was young and he looked strong and he would knock me down and the concrete would fracture my skull, and I would die right there. I said, "I don't want to fight."

I do not remember the sentence he spoke then, only the word "nigger"—and then all I felt was resignation. I would have to fight him, receive whatever pain and injury he dealt, until someone stopped him or he was done with me. I was not angry; I felt nothing about him.

"That's it," I said, and I dropped the revolver into the woman's large purse. Then one of his friends came over and stood between us, his face close to mine, and said, "Mister, I know you can whip his ass. But please leave—I've got to get him out of here before the cops come."

"O.K.," I said, and I held the woman's elbow and walked away, around the corner. We stopped, and I took the gun from her purse. Then a police cruiser

rolled onto the street of bars, quietly but with flashing lights, and I looked around the corner and watched it stop; two officers got out and walked to the young blond man. The woman and I went to her car, and, as she started it, I said, "Men are funny. If that guy had said, 'I know *he* can whip *your* ass,' I would have had to fight. But he said, 'You can whip *his* ass.' So he let me off the hook."

Then she was trembling.

"Violence scares me," she said. "I have to go home."

"Me, too."

She drove me home. I went inside and filled a glass with ice and took it and a Coke to my front porch. I sat on the steps in the warm night and looked at trees and the sky. I needed the company of women and children; I wanted my wife and daughter to be upstairs, sleeping. I sat for a long time. Saturday morning, I phoned my wife; then I phoned a man—a poet, a hunter, a fisherman—who lived in the country near Tuscaloosa, and I told him about Friday night and said I wanted to come out

and hunt squirrels with him, to be in the beautiful woods and use a gun the way it ought to be used.

MONDAY, my wife and daughter were home, and I went to Mass at noon. After Mass, I talked to the chaplain and a young nun. We stood in front of the chapel, in warm sunlight. The nun was pretty, and wore jeans. I always liked seeing her and talking to her; being attracted to a woman and knowing that what we shared was God, and that my attraction could not become carnal, was lovely. I told them about the man and the knife and my gun. I said, "I understand turning the other cheek. But what about me turning that guy's cheek? Christ doesn't say anything about that. What about the woman they were going to stone for adultery—what would He have done if they had picked up rocks and started throwing them at her? It wasn't His time yet; He couldn't stand in front of her and get killed in her place. He had to wait to be crucified. Would He throw rocks at them?" I looked at the priest's eyes, and nodded toward the

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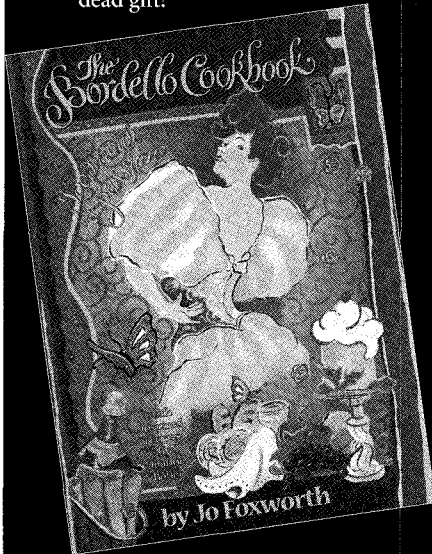
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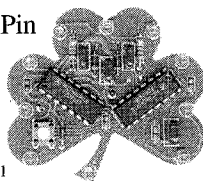
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nun. "What would you do if some guys tried to rape her?"

"I'd fight them."

Still, I had no peace. A young man could be dead by my hand because of one moment on a Friday night. I did not know what else I could have done but aim my gun at him until either the knife or the black man was gone. I still do not know. I could have kept the gun in my pocket and tried to disarm him. During those days and nights in Tuscaloosa, while I kept hoping to know what I should have done, I saw myself trying to grab the young man's wrist, saw his knife piercing my flesh, my aorta. But none of this applied: that night on the sidewalk, my only instinct was to aim a gun. I had no conflict, because I had only one choice. Now I wanted more choices, and I wanted to know what they were.

At Thanksgiving, my wife and daughter and I rode the train to Baton Rouge to visit my oldest sister, Kathryn. In the evening, after dinner, people came to Kathryn's house. One was a priest, and one was a nun in her fifties. I imagined that the eyes of Christ were like her eyes: in them were strength and depth, and she was cheerful and wise. The priest was in his thirties, short and graceful and athletically built. He lifted weights and had a black belt in karate. His eyes were like John the Baptist's, or the way I imagined the saint's eyes to be: they were dark, and bright with embers that could become rage. I felt that he would have an answer for me, and I told him my story. He said, "Within the realm of human possibility, you did what you could. You wanted no one to be harmed. And no one was. I beat up a man one Christmas Eve, then said the Midnight Mass."

"You did?"

"I was bringing food to the poor. When I got to his house, he was beating his wife. I took her and the children to another house, then went back to talk to him. He tried to beat me."

So I had my answer, and the comfort of it. Within the realm of human possibility, I had done what I could.

EIGHT months after that Thanksgiving in Baton Rouge, I was driving home from Boston—armed with a

pistol—and I stopped on the highway and got out of my car to help two people who had driven over an abandoned motorcycle. A car hit me, and I have been in a wheelchair for more than nine years. My body can no longer do what I want it to do, and it cannot protect my two young daughters or my grandchildren from perils I used to believe I could save people from. I have not learned the virtue of surrender—I want to—but I have learned the impossibility of avoiding surrender.

I am also more afraid now. For the first three and a half years after my injury, I believed I needed a gun more than I ever had. Alone in my house, I kept a small .22 Beretta semi-automatic in my shoulder bag, its loaded magazine in one of the bag's pockets, and for the first time in my life the gun was to protect not others but myself.

But as I sat in my wheelchair on the train to Chicago, in 1990, images came to me: I was alone in my house, on the couch, watching a movie on video, and a man kicked my door open and came in, to steal, beat, kill; and I shoved the magazine into the pistol and worked its slide and aimed the gun, but he kept coming at me, and I shot his leg but he kept coming, and I shot his chest, again and again, till he stopped coming.

Then, as I looked out the train window at snow on the ground, one sentence came to me: With my luck, I'll kill someone.

That was all. "Luck" is not the accurate word, and I am still not sure what is. But with that sentence I felt the fence and the gate—not even the lawn and the porch and the door—of the house of sorrow I would live in if I killed someone. Then I felt something detach itself from my soul, departing, rising, vanishing; and I said to God, *It's up to You now.*

This is not the humble and pure and absolutely spiritual love of turning the other cheek. It is not an answer to the problem of turning someone else's cheek. On the train I gave up answers that are made of steel that fires lead, and I decided to sit in a wheelchair on the frighteningly invisible palm of God. ♦

Catalog Gallery

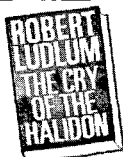
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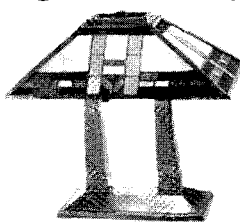
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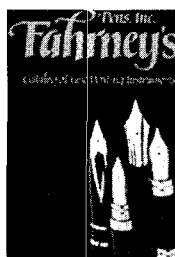
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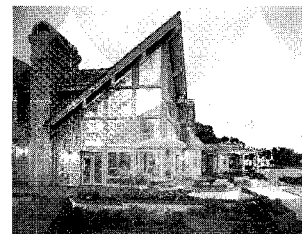
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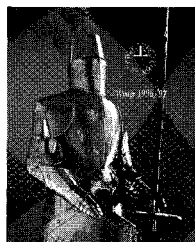
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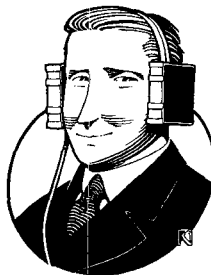
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A REPORTER AT LARGE

THE CRIME BUSTER

New Orleans is a fun town—except for a rotten police force and the highest crime rate in the country. Enter Jack Maple: the cop who cleaned up New York.

BY DAVID REMNICK

I. AT SEA

THE fat man couldn't sleep. It was two, maybe three in the morning, and he was staring out at the stars and the black waters off Montauk Point, still dragging on one of his Te-Amo Churchills, a Mexican cigar the size of a police baton. The smoke leaked out into the black night and swirled in the bitter winds. His head was never more crowded and confused than it was now. It had been a cold spring.

Jack Maple was used to the dark, to long solitary nights. For most of his career, he had been a "cave cop," a "mole"—a Transit patrolman on subway platforms. He was, in his own description, "one of your big loud guys with sore feet." He made a lot of arrests; worked long, even obsessive, hours; bombed out of a couple of marriages; and infuriated his superiors. He was the son of a post-office employee and a nurse's aide from Queens, a high-school washout who never figured to be a star. He was the fat kid who bought his pants off the racks marked "Husky" and "Stout," the slow kid who didn't get the aqua-colored reader—he got the brown. In between marriages, and sometimes during them, Maple slept in the back rooms of station houses; for a time, he slept on a cot in a Transit office under Central Park. It was not an easy life. His parents were dead now, and two brothers were lost to the crack pipe. The saving grace was that over the years he had developed a knack for deflecting every lacerating hurt into a sweet and fleeting joke. "I never played Joseph in the Christmas play," Maple would say. "I was always the beast in the manger."

But playing the beast was not a role for a lifetime, not for him. Maple was unschooled but smart. His memory was magical, his gift for numbers uncanny. He often told his friends, "I'm the Rain Man

and Forrest Gump. Call me Rain Forrest." Jack always knew that he was a good cop, even a visionary cop, a guy with a lot of ideas, and, what was more, he felt entitled to a taste of the good life, the rewards of luck or talent. In 1981, when he was still making twenty-odd thousand dollars a year, Jack walked into the Money Store and, using his house in Queens as collateral, got a home-equity loan for twenty thousand dollars. He spent that money, in large part, at the Plaza, where he ate a lot of chocolate cheesecake and drank Dom Perignon. When it was time to diet, he drank espresso by the quart, together with minnow-size portions of fish. Maple also spent handsomely on his appearance. In time, no one could fail to pick him out of a lineup: five-seven, broad-bellied, pillow-cheeked, he always wore two-tone spectator shoes ("Remember the shoes Santino Corleone was wearing when he beats the shit out of Carlo on the street, kicking him up against the fire hydrant there?"); he wore good gray slacks, a double-breasted Brooks Brothers blazer, a Raymond Weil gold watch (a gift from an Arabian prince), a candy-striped shirt, a bow tie, and a homburg from Knox Hats, at Fortieth and Eighth. One day a year, he dressed like a normal Joe: "On Halloween, I wear a regular tie, regular shoes, and no hat. I scare everyone to death."

At work, Maple racked up an arrest record so spectacular that his more bureaucratic superiors found him hard to take and easy to transfer. He was too aggressive. He generated too much paperwork. On his shifts and on overtime, he would run down hustlers and bag snatchers with names like Muscles Waxman and Sugarfoot Lawrence. Then he'd walk out of the caves, dust himself off, and head straight to the Oak Bar, at the Plaza. At the River Café, he was always amused

when he'd give his order and the waiter would brighten and say, "Excellent choice!" "I always wondered when they'd say, 'Dogshit choice, sir!'" When the twenty grand ran out, so, too, did the high life—for a while.

Maple's dandyism, his self-invention, was a defiant parody of New York class distinctions, an inside joke on how bleak and degrading the job could be. When he told friends the story of his worst moment as a street cop, he didn't bring up the dangerous times: the shootings, the beatings he had taken and the beatings he'd administered, the long hours of tedium interrupted by moments of terror. No, the worst, he said, was a night in the dead of winter, 1975:

"I was down on the platform on Seventy-second and Central Park West. I was bored to death, freezing my ass off on the 8-to-4-A.M. shift. I was on a fixed post, all alone. Of course, Mr. Egomaniac refuses to wear anything particularly warm, and I don't even have on a bulletproof vest. As any cop knows, once your feet go you're dead, and my feet were numb. I also wouldn't wear the dickhead earflaps, because, after all, who knows when you might meet someone interesting coming down to the subway from the Dakota. So people are walking by me, laughing, going places, living life, and I'm freezing. I couldn't go somewhere to get warm, because who knew when your fuckhead of a sergeant would come around and feel your badge to make sure it was cold to the touch? But I was dying. So I went to this door on the platform near the men's room which opens onto a kind of closet. Inside, there's a radiator and a box to sit on. Real nice. You'd think it was the pier at Key West. You sit there and the steam makes you start to sweat, and you know you're gonna freeze to death when you go back

PHOTOGRAPH BY HELMUT NEWTON



One colleague said of Maple: "If he's got balls enough to wear that, then he's got balls enough to buck the system."

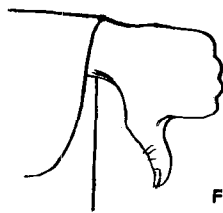
outside, but for that moment I was in heaven. Then, suddenly, two guys—two transvestites in full gear—open the door slightly and start pissing on me. Maybe they thought I was the urinal, I don't know. So there I am, sitting on a box in the dark and transvestites are pissing on me, and I'm thinking, This is it. This takes the prize—my low point as a cop."

By the time Maple made lieutenant in Transit, he had also made a name for himself by running decoy squads in the subway. The squads arrested hundreds of teen-age muggers who worked in gangs—a phenomenon known, in the mid-eighties, as wolf packs. So successful were the decoys (cops posing, generically, as "the Jewish lawyer," "the blind man," "the casual couple") that even the national media took notice. That was not enough for Jack. He told anyone who would listen that until the entire police force got out of its rut—until officers got out of their patrol cars and started *fighting* crime instead of responding to 911 calls—until that happened, the crime rate would keep climbing. Maple started mapping strategies to fight crime, and papered his walls with fifty-five feet of hand-drawn maps he called the Charts of the Future. The charts detailed every stop on every subway line and every robbery that had been committed. The idea was obvious but somehow untested: go after the bad guys where the bad guys did their work and get them before they committed more crimes.

It was that simple. And yet some of Maple's fellows wryly regarded him as Ralph Kramden—a big guy with big ideas, a dreamer. There were those, however, who got past the shtick and the bravado, who saw the intelligence and the ambition underneath. When, in 1990, a Bostonian named William Bratton was hired by Transit to do something about crime in the subways, he took notice of Maple. At dinners with columnists and judges in the back room at the Supreme Macaroni Co., on Ninth Avenue, Bratton listened to Maple dominate the conversation with his talk of cutting crime in the caves by half. Hell, they could cut crime in half all over the city! Why stop with the subway? Why not raid the crack houses every day until they were shut down! People laughed or looked at their shoes. Bratton, for his part, eventually elevated Maple to be his special assistant, and together they succeeded; between 1990 and 1992,

they cut felonies in the caves by twenty-seven per cent, and robberies by a third.

Maple revelled in his success and in his friendships with press guys like Michael Daly, a dour and intelligent columnist at the *News*, and John Miller, a flamboyant crime reporter at WNBC, who was known for his contacts among the city's five organized-crime families and its seventy-six police precincts. One night, Maple and Miller were at a good table at Elaine's. Maple was dressed in his usual ensemble; Miller was in a blue silk suit,



a Brioni. He noticed two unlovely yet familiar faces at the next table: a couple of wise guys from the Gambino crime family, drug thugs who operated out of a pizza place in Harlem. The wise guys recognized Miller, too, and they fell to talking about John Gotti, New York's last great godfather, who had finally been carted off to Marion on a life sentence. The wise guys were talking up the virtues of their lost El Cid and waxing nostalgic when Maple broke in, saying, "Oh, yeah, it's really too bad what happened to poor John. In fact, didn't John used to hang out in those gay bars in Queens? In fact, didn't he run Nozzle Night?"

Aghast at such presumption, one of the wise guys said, "Who the fuck are you?"

"John Gotti is a scumbag piece of shit," Maple explained by way of introduction, "who deserves to be in jail for the rest of his life."

At this prompting, one of the Gambino members began talking darkly about how he was fresh out of Rikers and he was gonna "fuck up" Maple in some way that combined involuntary intimacy and in-temperate mayhem.

"Well," Maple said, interrupting, "you wouldn't like me. You're used to those really *big* hammers."

The conversation quickly turned to the feasibility of a fight.

"There's nothing holding you back," Maple said. "But before we get started I want you to know how it's gonna go: I'm a cop. When we're finished, I'm gonna arrest you and drag your ass to District One, and you can spend the weekend in the hole in the subway."

Finally, Elaine Kaufman, the proprietor, arrived and told the Gambino crew to "shut the fuck up and sit down." She then asked a waiter how the wise guys (dressed inappropriately, as it happened, in track suits, gold chains, and very big

rings) had managed to get a table in the first place. At which point, one mafioso, obviously chastened by Ms. Kaufman's tone, pointed to Maple and loudly whined, "Hey! He started it!"

"Hey now, come on, boys!" Miller said. "You guys aren't supposed to rat!"

WHAT a smile that was, and there were a million more. Even out here, floating like a cork off Montauk, Maple found it delicious to think about those Manhattan nights. In fact, there would be gaudier nights to come. In 1994, Mayor Rudolph Giuliani appointed Bratton commissioner of the entire N.Y.P.D.—the biggest urban police department in the world, with thirty-two thousand employees. Bratton stunned everyone when he brought in Maple to be his deputy and chief strategist; this was a promotion roughly equivalent to an ensign in the Coast Guard waking up one day as a three-star admiral in the Navy. He even hired John Miller as his press deputy. The rest of the department did not easily absorb the idea of Maple—not his unlikely ascent, not his ambitions, not even the sight of him. He did not go out of his way to hide the largeness of his personality; rather, with a sense of irony and with the help of his haberdasher, he insisted on it. Bow ties, cigars, two-tone shoes: Who was this guy? One of Bratton's other deputies, a career officer named John Timoney, took one look at Maple and began to think, Well, if he's got balls enough to wear that then he's got balls enough to buck the system.

That was just what Bratton wanted. Maple developed a computerized mapping system for the N.Y.P.D. based on his old Charts of the Future. It used to be that the police took weeks, even months, to gather accurate crime statistics; it was only by chance if someone noticed that, say, a particular block in Washington Heights was a nexus for guns, crack, and outstanding warrants. Maple's idea was to synthesize the information instantly, draw up a plan, act, and follow through relentlessly. Maple's new system was dubbed Comstat (for computer statistics).

Even to the most innovation-weary criminologist, Comstat represented a revolution in policing. Twice a week, early in the morning, police brass, along with representatives from the District Attorney's office and other agencies, gathered in the eighth-floor operations room at 1 Police Plaza. Maple projected his maps and grids on three huge screens

while he grilled precinct commanders on the patterns of evil on their turf. The meetings vastly increased the sense of organization and accountability in the department. Maple presided over Comstat with humor, swagger, praise, or insult, depending on what was necessary. Once, when a chief named Anthony Simonetti seemed to be fudging his way through a report, Maple projected a picture of Pinocchio on the wall.

But, in all, the results of the high-pressure sessions were rarely personal and were soon evident on the street. Comstat could not, on its own, stop crime, but if taken seriously it could help police catch a criminal after he'd committed his fourth robbery rather than his fourteenth. The police were not necessarily catching more criminals, but they were arresting them earlier in their careers. Between 1993 and 1995, homicides in New York dropped from 1,946 to 1,170; robberies fell by thirty-one per cent. Last year, homicides dropped below a thousand for the first time since 1968. For years to come, criminologists will be studying Maple's system; other cities, in the United States and abroad, are already eager to adopt it.

"The Mayor hired Bratton, and Bratton hired Maple, and that created a paradigm shift in policing," said one assistant United States Attorney.

What seemed to irk Mayor Giuliani, however, was that Bratton, Maple, and the others seemed to be having such a good time at their work. They were winning a war and spending night after night at Elaine's. They were staples of the tabloids. From the start, this did not sit well with City Hall. Maple remembered one of his first moments in his job under Bratton. They were marching up Fifth Avenue in the St. Patrick's Day parade, and, in the glory of the moment, Maple turned to Bratton and said, "Don't blink, Commissioner. It's all going to be over in an instant."

Maple had that right. In November, Giuliani will probably win reelection as mayor, mainly because of the drop in the crime rate, but in March, 1996, he de-

cided to push Bratton out of office and replace him with the fire commissioner, Howard Safir, a far less colorful and threatening figure. Out of loyalty, mainly, Jack followed his patron into exile.

So now, as spring elided into summer, Jack had nothing to do, no reason to wear the bow ties and the hats. On his boat, a thirty-one-foot Boston Whaler, he wore the same sorry outfit every day: a pair of filthy purple shorts, no shirt, Gucci boat shoes, and three-hundred-and-fifty-dollar Gaultier sunglasses. He let his beard grow. When his hair needed cutting, he did the job himself with a pair of wire cutters. He warded off the whiff of decay with an occasional swig of Scope, but he spit the wash back into the bottle. "I'm economizing," he told himself. His girlfriend, Brigid, a sergeant in the N.Y.P.D., found him a nondescript gray Olds—"a stickup car"—to tool around Long Island in. If he was hungry, he dipped into his stash of cold-bass salad, which he ate for breakfast, lunch, and dinner. "You gotta nuke the bass until it's really dead—you know, *cooked*—and then add Miracle Whip, oregano, onions, and Paul Newman's salad dressing," Maple would explain to an occasional guest. "It's even better than my other specialty—matzo pizza."

For four months, Jack did nothing but kill time, think things over, screw around. He hung out with Al the Mate. He would visit his friend Lenny at the tackle shop

and talk fish. "We did Fishstat." Sometimes he thought about taking the boat down to Key West. He told his friends, only half in jest, that he would get a job there selling boats or bagging groceries at the local Publix. "I'll do Bagstat." He thought about writing a book about police strategy for the academies. "There's no 'Art of War' for policing." But he didn't get around to that, either.

Mostly, he felt lost, washed up at forty-three. Maple could always summon a movie to fit the situation, and now the scene was clear: "I was like the fighter El Toro in 'The Harder They Fall.' He's bleeding, broken, pathetic after the fight, and they say his share of the fight is forty-nine bucks, seven cents. And now he's gotta buy a pair of shoes." Forty-nine bucks was barely enough to resole a pair of two-tones.

Then the phone rang. It was a management consultant named John Linder, one of Bratton's old confrères, who had worked at both Transit and the N.Y.P.D. Linder was cool and polished, an itinerant executive who called an adobe hut in New Mexico home and issued inscrutable recommendations as if they were Zen koans. Linder was a fifteen-hundred-dollar-a-day man, a mystic with a beeper. Now he had a proposal for Maple: Would Jack be interested in coming down to New Orleans for a while? Linder was already there. It



"How about the eighteenth? That's the day my electronic anklet comes off."

was the worst police department in the country right there in the most crime-ridden city. How about it? Big Easy-stat.

2. CRAWFISH PIE

IT was a sweet deal: the New Orleans Police Foundation, a group of wealthy businessmen and other worried citizens, was ready to pay Maple and Linder more than half a million dollars to bring New Orleans into line with the New York model. Linder, the marketing-and-management guru, would come in and write up what he calls "the cultural diagnostic," an analysis of the New Orleans Police Department's faults, along with suggestions for reform; then Maple, the street guy with the police credentials, would plant himself down the hall from the top brass for six months or so, help institute the New Orleans version of Comstat, and whisper his prescriptions in the ear of the chief. In time, police officers in New Orleans began referring to Linder as the Spin Doctor and to Maple as the Witch Doctor.

There is no underestimating the horror of New Orleans: its abysmal crime rate; its abysmal police force. The city's murder rate is five times that of New York City. Crime statistics show New Orleans competing with Washington, D.C., and Gary, Indiana, for the title of Murder Capital, U.S.A. In the Bywater section of New Orleans a year ago, about a hundred residents who had been victimized by drug-related crimes held a voodoo ceremony. Their prayers, led by a priestess from Maine, called on Ogoun le Flambeau, the voodoo god of war and fire, to rid the city of crack cocaine. When Maple arrived, the police were solving about thirty-eight per cent of the murders committed in the city—well below the national average. The department had only thirteen hundred officers—proportionately half as many as the N.Y.P.D.—and was one of the most poorly paid forces in the country. It is nearly impossible to recruit qualified officers. The police have also distinguished themselves with an astonishing level of corruption. Officers have been arrested for rape, burglary, narcotics trafficking, even murder. The Department of Justice has described the city's police force as one of the most brutal in the country.

New Orleans is a heartbreakingly poor city; economically, it bottomed out during the oil bust of the eighties. It has rebounded since, but the poverty rate is still

the third highest of any major city in America. Louisiana consistently competes with Mississippi for the lowest rank in crucial statistics like education. There is hardly any middle class in town: there are, in the main, the wealthy and the upper-middle class, who thrive on tourism and oil, and the poor and the lower-middle class, who work in the hotels and restaurants for minimum wage. This sad gumbo of ingrained corruption, violence, and poverty has been a constant in the city for so many years that most people take it for granted as an immutable law of local existence.

In late 1994, after a long string of police commissioners who, for the most part ranged in quality from *laissez les bons temps rouler* to outright corruption, the city hired an outsider—Richard Penning-

ton, of Washington, D.C. Chief Pennington is tall and soft-spoken. His walk is a kind of lumbering roll. Even his detractors concede that he is a man of integrity. Maple would come to see him as Gary Cooper in "High Noon." He is a Vietnam veteran who became a cop, he said, "because the department was offering eight thousand dollars a year." In New Orleans, he has several volumes of Dale Carnegie on his shelves and appears to have read them. He is, in a laconic sort of way, a winning presence.

Pennington's appointment was meant to be a dramatic break with the past. He inherited a department that had disbanded its vice squad because the squad was riddled with vice. It was a department in which the head of the robbery squad got in a drunken shootout with his own son.

WORRYWART

Worrisome you

You worry for your mother, your father, your sister, your brother, stepsister, stepbrother, stepmother, stepfather

You worry for your husband, daughters, sons, stepsons, stepdaughters

Now you're worrying for Tom

Worry for you

not Tom

Tom worries for Tom

as tomorrow worries for itself

No letters! No packages! Phone disconnected!

Parole board is approaching

No home to go to!

Halfway housing! No money but handouts!

Prison to bleak future?

Lord help the homeless!

Now you're rocking,

cannibalizing yourself

By the time you're finished

nothing will be left of you

Body filled with cankers, ulcers,

paranoia, hallucinations

800 milligrams of Motrin

four times a day

Wrinkles, gray hairs that dance their way through your skull

Worry not you!

Health's too precious to swim with worries

—JOY WOSU

Pennington, however, had come from Mayor Marion Barry's Washington, where municipal corruption scandals and the soaring murder rate compete for press attention. He had every reason to think he had seen it all. He was sworn in on October 13, 1994. That night, as one veteran of the department, Major James Treadaway, put it to me, "Chief Pennington discovered just where he lived." The news emerged that a patrolman named Len (Robocop) Davis had ordered a hit on a young woman who had dared to report him for brutality. At the time, the F.B.I. had been conducting an elaborate sting operation on Davis and at least ten other officers.

With the sting in progress, Kim Groves, a mother of three children, complained to the department that Davis had pistol-whipped a neighbor of hers. Within twenty-four hours of the complaint, someone in the department got word of it to Davis. In tapes played in court, Davis was heard saying, "I can get P. to come do that whore now and then we can handle the Thirty." "P." was a drug dealer and hit man named Paul (Cool) Hardy; a "Thirty," in New Orleans police lingo, is a homicide. Davis called Hardy and told him to "get that whore."

He added, "After it's done, go straight uptown and call me." Just minutes later, Groves was found dead in the yard in front of her house. Her skull had been shattered by a 9-mm. shell. Davis was tried, and was sentenced to death by lethal injection. He is on death row in Arkansas.

From the day of the Groves murder, Pennington has been on a tear against corruption. He has fired, suspended, or demoted more than two hundred police officers, and thirty-six more have quit while under investigation. He disbanded the Internal Affairs Division and replaced it with a public-integrity department that has on its staff two full-time F.B.I. agents.

Pennington is the most ambitious chief in the history of the city. At a time when the homicide rate is still absurdly high, he wants to cut it in half by 1999. And he has persuaded the City Council to raise salaries and hire four hundred new cops.

But the outrage has continued. The most notorious case involved Officer Antoinette Frank. On January 20, 1993, three weeks before Frank was made an officer of the law, she disappeared, leaving behind a note for her father. "I was doomed since the day I was born," she

wrote. "I see that now, I hate myself and my life." By February, she was back home and on the New Orleans Police Department. On the night of March 3, 1995, Frank and an eighteen-year-old friend named Rogers Lacaze dropped by a Vietnamese restaurant called Kim Anh, in East New Orleans. Frank had an occasional job moonlighting as a security guard at Kim Anh, as did a fellow-officer named Ronald Williams. The door was locked—it was after closing time—but Williams let her and Lacaze in. One of them shot Williams several times, and he was finished off with a bullet to the head. Williams was twenty-five and had a wife and two sons, one a week old. Frank went into the kitchen. There she found two of the owner's children: Ha Vu, who was twenty-four, and Cuong Vu, who was seventeen and wanted to be a priest. The two had been cleaning up. When they saw Frank and her gun, they sank to their knees and begged for their lives. Frank pistol-whipped them both and then shot them in the head. Their sister, Chau Vu, had been hiding in a storage cooler with her brother Quoc, and saw the murders; later, she testified against Frank.

"One of the bitches got away," Frank said as she left the kitchen. Then Frank and Lacaze robbed the restaurant of ten thousand dollars and left the scene. Frank headed to her station house, where she picked up a patrol car. Word had spread that a police officer had been killed, along with two other people. Police began arriving at the restaurant, among them Chief Pennington. As they pulled up, they saw Frank forcibly leading Chau Vu out of the restaurant. Frank turned to her and asked, "What happened?"

"You saw what happened!" Vu said. "You killed my brother and sister!"

The other police began to question Frank. Before long, she confessed.

"An officer murdering another officer—that's the first time I've ever heard of that happening," Pennington told me. "That was an all-time low."

At Frank's trial, the jury deliberated for

twenty-two minutes before convicting her on three counts of first-degree murder. Frank has been sentenced to death by lethal injection and is awaiting execution at a women's prison in St. Gabriel, Louisiana. As she was put in jail, police reopened a missing-persons report filed on her father, Adam Frank. In November, 1995—fourteen months after the report was filed—a dog discovered human bones at Mr. Frank's house. Pathologists soon discovered ribs, part of a spine, and a skull with a bullet hole in it. So far, nobody has been indicted; however, the main suspect, sources in the department said, is Antoinette Frank. "Some unbelievable things happen in New Orleans," Pennington said. "Truly unbelievable things."

3. THE NEW YORK YANKEES

I FLEW to New Orleans to meet Jack Maple and had as company his patron, Bill Bratton. Since Bratton was forced out as commissioner, he has been working as an executive for a security company called First Security. He has travelled to South Africa, England, and various American cities to provide, for a fee, advice on policing. New Orleans was Maple and Linder's account, but he was going there to give a luncheon speech to the Police Foundation and spend time with Maple.

Bratton favors regimental ties, a suit during the week, a camel-hair jacket on weekends. His posture is military straight. He enjoys the company of the rogues around him, but he also travels easily in higher realms. It does not take too long before he has given his opinion of tasting menus (negative) or the amenities at the Colorado spread of the investor Henry Kravis (positive).

Even unbalanced strangers have quickly discerned the stylistic differences between Bratton and Maple. Once, the two men were walking through the main concourse of Grand Central Terminal and a vagrant, deep in his cups, stopped them. "Hey! You know who you look like?" the bum said to the Commissioner of Police.

"No. Who?"

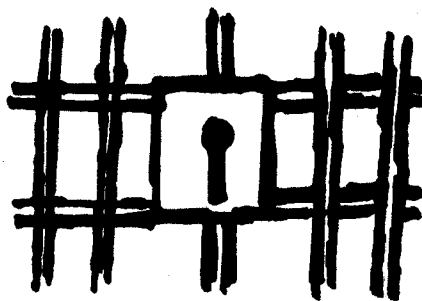
"Douglas MacArthur," he said.

Bratton seemed pleased.

"And you look like Winston Churchill," the vagrant said to Maple.

Maple was also pleased, and the two men started to move on. Then they heard the man shouting after them.

"No! Wait a minute!" the vagrant said,



pointing at Maple. "You're not Churchill—you're Fatty Arbuckle."

Bratton stretched his legs and smiled at the memory of it. But, like all Maple's friends (and even his enemies), he was quick to point out how deceptive, how deflecting, Jack's image can be.

"Remember one thing: Jack is the smartest man I've ever met on crime," Bratton said. "He has a high-school education, and yet no one is smarter. You cut through all the conscious flamboyance and there is a brilliant man sitting there. Way back when, his was the one voice crying out in the wilderness."

Just as Maple was writing his *Charts of the Future*, in the eighties, crime went out of control—in New York and in nearly every other city in the country. Tens of thousands of mentally disturbed people were deinstitutionalized; S.R.O.s were closing; and, worst of all, crack cocaine spawned an unprecedented rise in narcotics-trade murders. The crack trade led to drive-by shootings, to gang wars played out with machine guns. Bratton has long said that one of the main influences on his thinking about crime was a 1982 article published in *The Atlantic Monthly* by James Q. Wilson and George Kelling called "The Police and Neighborhood Safety"—but better known as "Broken Windows." (Maple said to me, "Don't tell the Commish, but I never bothered to read 'Broken Windows.' Shoot me.") The article claimed that society had undergone a precipitous decline in standards of behavior, and that we had learned to tolerate a range of once forbidden conditions: in New Yorkers' terms, farebeating, public drinking and urination, mild harassment. Wilson and Kelling's view, which Bratton put into practice at Transit and at the N.Y.P.D., was that the police should be vigilant about the minor, "quality of life" infractions that heightened discomfort and fear; by doing that, they could also make inroads against the people who were committing more serious crimes.

When Bratton and Maple took over the Transit Police, seven years ago, they pushed an uncompromising program for "taking back" the subways. Officers were stationed at turnstiles and were ordered to make arrests. Fare evasions dipped from nearly two hundred thousand per day in 1990 to forty-five thousand per day in early 1996; police also found that they were arresting people with outstanding warrants—the same people, very often,

who were committing violent crimes above ground and below. All New Yorkers—in Harlem or Howard Beach or on the Upper East Side—can see the improvement in the subways, just as they now can see the changes on the street. Some criminologists insist that at least part of the statistical drop in crime in New York is due to a momentary drop in the population of teen-age males, ceasefires among drug gangs, a stabilization of the crack market, the economy, and other factors beyond police control. But even the most critical give at least some credit to Bratton and company. "We changed behavior," Bratton said. "Disorder went down in all seventy-six precincts."

WHEN Bratton arrived at the New Orleans airport, a tall and smiling businessman named John Casbon met him at the gate with his hand outstretched. In despair over the New Orleans police, Casbon had come to New York and sat in on a session of Comstat while Bratton was still commissioner, and he was so inspired that he rounded up the money to start the New Orleans Police Foundation and, eventually, to hire Linder and Maple. "I'll tell you one thing," Casbon said gravely as the limousine headed downtown. "If we don't clean this place up soon, we're all gonna lose our shirts."

Jack Maple was waiting for Bratton at the Royal Sonesta Hotel, in the French Quarter. He was decked out in his usual (non-boating) attire: blazer, bow tie, a full beard. As he watched Bratton work the room, Maple confessed that after a couple of months in New Orleans, he missed home. "After all," he said reasonably, "there's just so much of this gumbo shit you can eat." His heartache was eased by the discovery of a decent local haberdasher, Meyer the Hatter, and the even more pleasant discovery that, at least at the very top, the New Orleans Police Department and the city government seemed, at last, determined to change. They had to fight especially hard in two areas, Maple said: the French Quarter downtown, and the housing projects. The French Quarter (known as "the Eighth" to police) is the center of tourism; the housing projects—Desire, B.W. Cooper, Iberville, St. Bernard, St. Thomas—were the scenes of horrific crime and concentrated despair. To lose the battle with crime in the Quarter would be to lose the city's economic heart; to lose it in

the projects would be to lose the city plain.

Maple popped an hors d'œuvre into his mouth and said, "The city's back is against the wall, and every other cliché you can think of. This is their big chance. The public wants it, the police want it, everybody wants it. They've got to move."

The most glaring difference between New Orleans and New York, he said, was that in New Orleans "everyone has a gun." More or less. Now there is even a law allowing citizens to carry concealed weapons with a permit. "In New York, I never carried a gun," Maple said. "Here I carry a Glock. But, look: they've got a lotta problems down here. People talk about, 'Oh, you don't understand—New Orleans is special. It's unique.' Yeah, fine. I still think we're gonna have a big win here. You watch."

We all filed into an enormous ballroom. In front of an official audience, Maple is, even now, deferential to Bratton, and during Bratton's speech—a speech he has given, in one form or another, hundreds of times—Maple affected an expression of intense concentration.

"You tipped one way," Bratton said, "and you can tip the other way." Bratton is nothing if not a professional cheer-

WANTED POSTER

In 1841, Edgar Allan Poe introduced C. Auguste Dupin—and, arguably, the detective genre—in a short story about a mother-daughter murder with an unlikely perp. In the racy 1932 Universal Pictures version advertised at the right, all that remains from Poe's tale of ratiocination is his culprit, an ape, whom Bela Lugosi vainly tries to mate with young ladies snatched from the streets of Paris. On March 1st, the poster, along with nearly four hundred others from the collection of Todd Feiertag, goes on the block at Sotheby's. "I was contacted by a family in the Midwest," Feiertag said, explaining his well-preserved acquisition. "They had been living in an old schoolhouse, and during renovation they discovered the poster between two beams in the attic. Such posters were perfect for insulation, since they're fourteen inches wide and that's how far apart the beams are."

CARL LAEMMLE presents

BASED ON
Edgar Allan Poe's

MURDERS IN THE RUE MORGUE



with

BELA LUGOSI
(*"DRACULA" HIMSELF*)

SIDNEY FOX
(*STAR OF "STRICTLY DISHONORABLE"*)

LEON WAYCOFF, BERT ROACH, BRANDON HURST
NOBLE JOHNSON & DARCY CORRIGAN

Directed by

ROBERT FLOREY

Produced by

CARL LAEMMLE JR.

COUNTRY OF ORIGIN U.S.A.

MORGAN LITHO. CO. CLEVELAND, O. U.S.A.

leader, and in New Orleans he was pumping the pompoms pretty hard. The crowd cheered dutifully. My table was filled with police commanders, and they raised their brows as one and slowly joined in the clapping. "We can always try," one of them allowed.

THAT night at Emeril's, a celebrated place in the Warehouse district, Maple was informed that he most assuredly would not get any of that gumbo shit. He would have been lucky if he had. Instead, Maple, his girlfriend Brigid, Bratton, and a few members of the Police Foundation sat in Emeril's wine room and faced up to a string of teeny-weeny courses, each preceded by a team of learned waiters reciting scientific explanations. I believe we were told that the crawfish before us had been "flayed with an angelic precipitate." Maple looked for the crawfish and found little. Later, when a waiter used the word "emulsion" in regard to the three-inch-long quail on our plates, Maple arched his brow and, oh so subtly, used his left pinky to nudge the plate away from his person.

"That bird must have put up some fight," he said.

With Bratton at the table, it was easy to see why he had been commissioner and Maple his liege. Bratton is a man infinitely bored with his new life. He has gone from being the center of tabloid attention in the biggest city in the world to being on the sidelines. He passed on a mayoral run against Giuliani, and now he hopes, his friends told me, that if the White House cuts loose Louis Freeh, the director of the F.B.I., he will be the replacement. At Emeril's, Bratton seemed to put himself on autopilot, and between courses he entertained us with set pieces on crime. The foundation people were charmed.

Maple, on the other hand, puzzled over the emulsions and rolled his eyes. He was not terribly interested in feigning an interest in that which did not interest him. He fairly glowed, however, when I asked him about what he was reading.

"I've been gorging on military history and strategy," he said. "I never read much before, but now I can't get enough." And with that he launched into a monologue

that compared the frosty relationship between Roman emperors and their generals to the conflict between Giuliani and Bratton. (Later, Maple gave me his copy of Lawrence Keppie's "The Making of the Roman Army," with a passage underlined about Augustus Caesar's need to take credit from his commanders in the field: "Victories were his, and to be publicised.") He also discoursed on the varieties of genius displayed by Napoleon, Admiral Nelson, and Hannibal, and their willingness to break with convention.

"See, policing is dysfunctional in this country, and—maybe it's distasteful, but the thought process, the analogy, has got to be military," Maple said. "For a long time, policing has been using the Fabian defense. You remember: Hannibal is rolling toward Rome around 217 B.C., breaking one legion after another. The Romans are getting a-scared. So they trot out Fabius, who knows he can't win a pitched battle with Hannibal. Fabius knows he can only stick and run, contain the damage. Well, policing until Bill Bratton became police commissioner was about the Fabian defense.

"In New Orleans, before Pennington showed up, they had no sense of mission down here. They were downtrodden because of the corruption issues. God knows, when I came in, an outsider, there were some resistant lieutenants at first. They'd say, 'What makes you think this shit will work here? What do you know about New Orleans?' The chief is far more progressive than a lot of the rest of the organization. He's straight. I met the former head of homicide, and practically the first thing out of his mouth was 'What the hell do you Yankees think you can tell us?'"

Maple described how he had begun regular Comstat meetings in New Orleans modelled on the ones in New York. At first, the sessions were rudimentary and slow, rather like prop planes compared with a New York Concorde.

"But it's got to help them," Maple said. "And it's not me. I've never had an original thought in my life. Comstat just comes from experiences I've had, being a police officer, a detective. Ideas usually seem like obvious things. Look at your paper clip. Look at your zipper. Someone once said to me about Comstat, 'Well, this stuff ain't brain surgery.' But I doubt that brain surgery is all it's cracked up to be. But I'll leave that to the brain surgeons."

A waiter interrupted to tell us about the new emulsions that had been swirled



"Never mind what I did, Your Honor. I want to be judged for who I am, as an individual."

over our dessert. Jack looked up at him with grave irony, like a smart schoolboy regarding an impossibly dumb teacher.

After the waiter left, Maple returned to his favorite theme since he arrived in New Orleans: the likelihood of a turnaround in America's baddest city. A grin cut across his face. "We've gotta win!" he said. "The crooks in this town are exhausted. The burglars can't lift their arms! They can't steal any more stuff! The murderers have run out of ammo!"

EARLY the next morning, after Maple had stoked himself with enough espresso to fuel half of Umbria, we rode around the city in an unmarked car. Just looking, he called it. Just looking is what Maple has done regularly since he's been in New Orleans. Equipped with a notebook, a badge, and his Glock, he spends his days dropping in on meetings, crime scenes, investigations, and neighborhoods. "Jack kind of looks like a car salesman from New York," Pennington said. "New Orleans police officers probably thought he *was* a salesman, and some thought he was arrogant and pushy, but they began to see that he was very smart and competent. He is a very knowledgeable person. He's made a difference already. He's got us focussed on fighting crime now, and he has us believing we can do something about crime. I've given him carte blanche in the organization."

Maple's driver and assistant, a lieutenant named Michael Pfeiffer, was just about to take us out to one of the housing projects north of downtown when he got a call that there had been a homicide in a working-class neighborhood in the Second District (there are eight police districts in all).

"Let's go there instead," Maple said. "I just want to see who shows up and who does what, who interacts, and like that." It is Maple's theory that "the biggest lie in law enforcement is 'We work well together.'" One of the main reasons for instituting Comstat in New York had been to coordinate the activities of various antagonistic bureaucracies and, as Maple put it, "enforce cooperation."

We travelled away from the New Orleans known to the casual tourist and



"Good morning, everyone!"

down streets of shabby houses and rocky lawns until we found a herd of police cruisers. Pfeiffer pulled over to the curb. As Maple got out of the car, he saw the Second District commander, Linda Buczek. An intense and wiry woman in her mid-forties, Buczek had been at the murder scene and looked shaken.

"It's a bad one, Jack," she said.

"Well, let's take a look."

A detective led Maple past a yellow police line and around the back of a house to the body of a young woman who had been bludgeoned to death; her skull had been crushed, maybe with a hammer. Her pants were pulled down around her ankles. In door-to-door canvassing, the police heard about some of the people who might have been around the house. The victim may have been a prostitute. It was all very vague, but it was still early. Maple stayed for a few minutes, figured out who was around and who was not, and who was talking with whom. Then he headed back to the car. He seemed satisfied.

"They did her pretty good, huh?" Pfeiffer said. He said it more in resignation than in cynicism.

"Yeah, they did," Maple said.

"They got a suspect?"

"Not yet. But they're doing the right things."

Pfeiffer grew up in the city. He stud-

ied engineering and earned a law degree, but despite the rotten pay and the department's reputation he decided to become a cop. Pfeiffer, like a lot of white cops I talked to in town, said that in the old days, when the force was almost completely white, corruption was concentrated mainly on shaking down bar owners, bribes of all kinds, protection rackets. The force expanded integration at about the same time as the cocaine market grew, and as a result, he said, the black cops who were inclined to corruption moved toward that new market.

"Corruption is the constant down here," Pfeiffer said. "This is Louisiana. They vote the cemeteries down here. It's better than it was, but not much."

"Cops are not from another planet," Maple said. "Their backgrounds, their weaknesses, are the same as any other human being's. They are not descended from the Planet Honest. We get them from Earth."

At night, I did some more looking around with Maple. We walked through the French Quarter, searching for police.

"Nothing," Jack said. "Not one car. I've gotta tell Pennington. He'll blow a gasket."

At its vortex, on Bourbon Street, the Quarter is like an endless frat party: a huge scrum of people drinking beer

from big plastic cups. The music from dozens of bars and strip joints blares. Tourists come stumbling out into the streets of the Quarter, gumbo-stuffed and liquor-dazed, and they are, to the hustlers who work the area, fresh meat. The crime rate in the Quarter is nothing like it is in the projects, but here a single shooting is front-page news in the *Times-Picayune* and, no doubt, another dent in the city's tourist industry. The Quarter is the generator of wealth, of jobs, of self-image.

"You'd think that with the Quarter being as important as it is," Maple said, "a few foot patrols would show up."

Maple's main problem in New Orleans is one of temperament. In New York, as a deputy commissioner, he could issue an order and it would be executed. He could unmask a lazy or incompetent precinct commander, and that commander would suddenly fear for his job. In New Orleans, he is a consultant; he suggests, cajoles, implies. He cannot order. Jack lives in a world of 78 r.p.m. In New Orleans, as a rule, people tend to move at 16.

"I'm not great at biting my tongue," he said. "But I try."

ONE night, we went walking with Pfeiffer through various housing projects. The projects in New Orleans are low-slung, brick, badly lighted, and in many cases half abandoned. The federal government began a renovation program that has pushed people into scattered-site housing around the city, and the population of large projects like St. Thomas and Desire is substantially less than what it was ten years ago. Amazingly, depopulation does not necessarily lead to a lower rate of crime. The abandoned houses are gentrified: they become crack dens.

We drove to a project on Malpomene Street, and Pfeiffer dug in his trunk and fished out a blue police windbreaker for me. By the look of its insignia, I had joined the narcotics squad. I didn't know exactly who was hanging out here, but I knew that, in general, Louisiana had its fair share of gangs: Banditos, Sons of Silence, Banshees, Bottom Boyz, Latin Kings, 59 Bloods, Viet Pride, Asian Life, 211 Soldier Bloods, Rolling 60's Crips. As we walked toward a particularly nasty stretch of the project, Maple saw the worried look on my face and said, "Don't worry. If there's trouble, we've got a jour-

nalist and a consultant on hand. We'll say, 'Stick 'em up! It's the Imaginary Police!'"

It was a warm night, humid and buggy, and many people were sitting on their stoops. Little kids were still out playing ball amid concrete and broken glass. Maple strolled around as if he had been doing this all his life and nothing and no one would hurt him. Pfeiffer, on the other hand, seemed nervous, jumpy.

It bothered him when a few people looked at us and talked about us, sotto voce. I stayed near Maple.

We were not here for tourism. Maple had another purpose in mind. Every so often, he stopped and asked people whether they had much contact with the police, whether foot patrols had come through lately. Invariably, the answer was that they had not seen an officer in a very long time.

"Haven't seen anyone in a year."

"It's been a few months at least."

"Tell you the truth," one woman said.

"I'm shocked to see you boys at all. Where you from?"

MAPLE grew up in the Richmond Hill section of Queens. He is one of seven children. His father, who was a mail carrier on the New York-to-Buffalo run, died in a veterans' hospital three years ago. His mother, who died two years ago, was a nurse's aide. Jack went to Catholic schools "with nasty nuns" and then attended Brooklyn Tech, a prestigious school for math and science wonks. He failed the exam in aeronautics, among other subjects. Mainly, he was a truant who spent his time at the Museum of Natural History. Brooklyn Tech did not choose to confer on him the honor of a diploma. Eventually, he got one from a less distinguished outfit: the Fort Greene Night School.

"My father knew I'd be a loser—there was no way I was going to college—and so he brought me to Grand Central one night," Maple said. "This was just in seventh or eighth grade and the war in Vietnam was going on, the early stages. There were coffins on the platforms. My father said, 'Kid, if you don't make something out of yourself, you're going to die in Vietnam.' And so he had me take all the civil-service exams—police, transit, post office, fire department, all of them—when I was sixteen. My father had what we call in the police 'accurate and timely intelligence.' He knew where I was heading."

Before he joined the force, Maple also worked unloading U.P.S. trucks and at "21" as a page boy and, for a night, as a men's-room attendant. At "21," the kid from Richmond Hill saw Aristotle Onassis in his sunglasses, Eddie Rickenbacker walking with a pair of canes, Richard Nixon, Vince Lombardi, Taylor and Burton ("Who never tipped"), and Joan Crawford ("I don't know if she beat her daughter, but she was a *terrific* tipper"). "Growing up, I didn't know nothing about nothing," Maple said. "I don't think I was very smart. The nuns pounded it into my ears that Jews were going to Hell and the Protestants weren't too hot, either. We were taught that the Jews crucified Christ and that we were in big bad trouble if we even looked at the Protestant parade on Eighty-fifth Avenue on Brooklyn-Queens Day. But working at '21,' that was good experience, because after that I wasn't intimidated. I realized that even the powerful people pull down their zippers to piss."

In 1970, Maple started working as a Transit trainee in Bedford-Stuyvesant. Three years later, as an officer, he got a taste of the danger of the job: during an arrest, he was smacked over the head with a four-foot-long steel pipe; finally, in the struggle, Maple and another officer shot and killed the assailant. Things got worse. Working undercover in 1975, Maple bought some pot from a dealer on subway stairs near Bryant Park. When Maple tried to arrest the dealer, the dealer grabbed Maple's gun—a humiliation, as well as a mortal danger, for a cop—and shot twice. The shots just missed Maple's head. The incident ended with Maple getting his gun back, and shooting—but not killing—the dealer.

"I almost gave up that time," Maple said. "I was right on the edge. He was overpowering me, knocking me around. These things stay with you in a funny way. You dream about them. You learn how to protect yourself better. You correct your mistakes."

The one mistake Maple never learned to correct—the one he never wanted to correct—was an insistence on making arrests "off post." Transit police are not supposed to make arrests on the street, but Maple did it all the time. For his efforts, he was transferred around the city and was given such assignments as guarding the J line on Thanksgiving Day. Once, when he was living in Howard Beach, he was assigned to the Bronx, a commute of two hours each way, with Tuesdays and

Wednesdays off. "The head of the One-Two"—the Twelfth Precinct—"was a captain who was to the right of Adolf Eichmann," Maple said. "He puts me in front of the token booth and tells me not to make any trouble. But what happens? I start making arrests on the way to work. I was screwed. I was cornered, tortured." The chief of the Transit Police, James B. Meehan, once told Maple, "You're an unguided missile." To which Maple replied, "Sir, I am a missile, but I know my flight plan."

Maple's rise began in 1985, with his decoy squads; then, in 1988, he got the top score in the city on the lieutenant's exam and he took over the Central Robbery Task Force. In April, 1990, Bill Bratton came calling. But even that transition was characteristically hard. Maple moved into a new apartment, on the East Side, which was promptly burglarized. "They took all my thin clothes and left all the fat ones," he said. "I was heartbroken. My personal life was falling apart, and the Transit people were ready to stab my eyeballs out."

For all the pleasure that Maple has taken in his success, and for all the jokes he makes, he has had a very rough time: the failed marriages (which he would rather not talk about), the two children from those marriages (a seventeen-year-old daughter from the first, a seven-year-old son from the second), whom he sees when he can. But he never betrays self-pity and deflects sympathy when it comes his way.

"I'm very lucky," he said one morning over coffee. "Have you taken a look at how these people live in these fucking housing projects? My life is 'The Cosby Show,' it's 'Father Knows Best' compared to that. I can identify with some of those lives, but not that scale of pain."

MAPLE takes policing no less seriously than a military man does the Army, but he also adores the entertainment value of his job. One night, Maple was eating dinner in the French Quarter with Brigid, Bratton, and Bratton's wife, Cheryl Fiandaca, who is the legal reporter for WABC-TV. In the midst of everything,

a raging argument began: What are the best police movies and television shows? Bratton and Maple agreed on the movie in a second: "Madigan," with Richard Widmark and Henry Fonda. Maple, of course, knew huge hunks of the film by heart and recited most of it. "It's a great movie, and realistic," he said finally, "because it's not some complicated thing. It's about a cop who gets his gun taken from him and then tries to get it back. It's about a couple of guys who were doing a favor for some guys from Brooklyn."

On the issue of television shows, there was a more complicated debate. One thing was for sure, Bratton insisted—the winner was surely not "NYPD Blue."

"Sipowicz is a racist brute," Bratton said, referring to the homicide detective played by Dennis Franz. "People are fascinated with him, and they play him as a sympathetic character, but he is everything you try to get rid of. He's racist and brutal; he's all too real."

"I'll tell you what show got it right," Maple said, and he began to sing:

There's a holdup in the Bronx,
Brooklyn's broken out in fights.
There's a traffic jam in Harlem,
That's backed up to Jackson Heights.
There's a scout troop short a child,

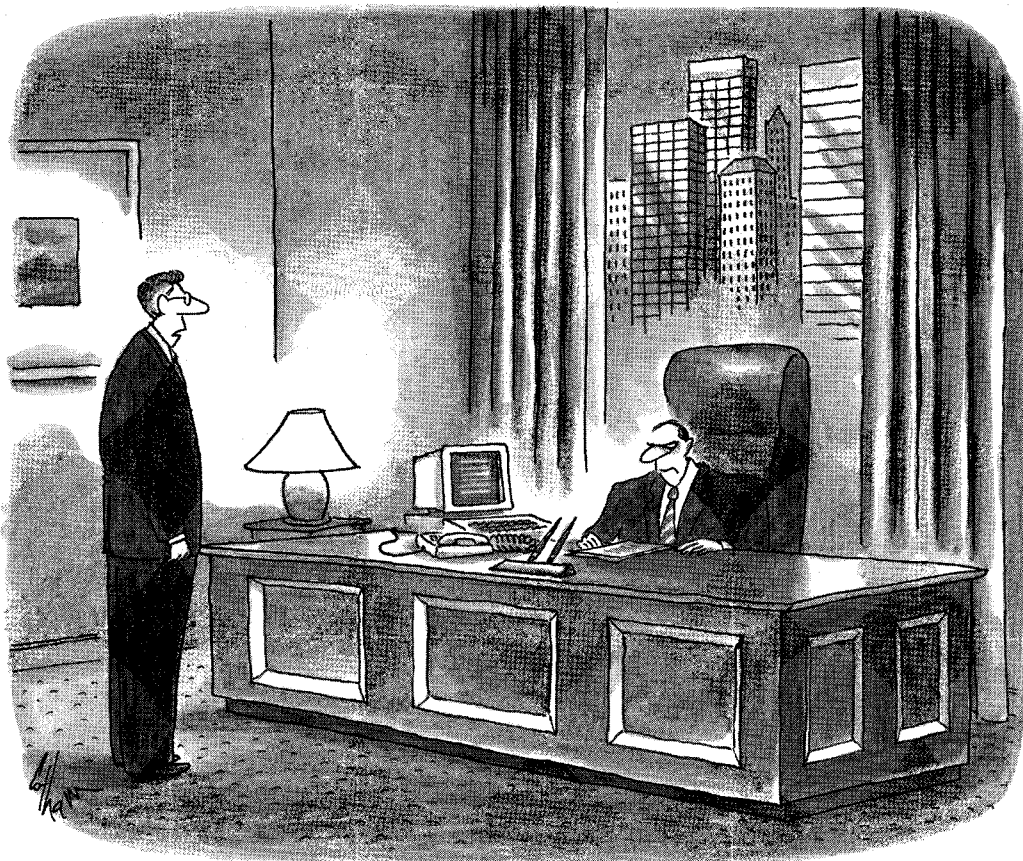
Khrushchev's due at Idlewild—
Car 54, where are you!!

I thought that maybe Maple's taste in cop shows went back to the sixties because he hadn't seen many lately. He does not watch much television. A couple of nights later, we went up to his room at the Hilton. At my request, we watched "NYPD Blue." I wouldn't say he liked it any less than Bratton had, but after half an hour or so, when a secretary breathily informed Detective Sipowicz that she was wearing a black rubber brassiere, Maple smiled and said, "Well, that's the first realistic thing I've seen so far."

4. MAPLESTAT

IF Maple is going to make a dent in the crime rate in New Orleans, a great deal will depend on how much he can transmit to Pennington's key deputy, Chief of Operations Ronal Serpas. Come spring, Maple will be in New Orleans just one week per month, and Serpas will be on his own.

Serpas's birth certificate says he is thirty-six. He looks as if he had begun shaving during the Clinton Administration. He seems so young and has been promoted so quickly—more quickly than



"Blackmail has given me a confidence I never felt before."





anyone else in the modern history of the N.O.P.D.—that his less charitable colleagues have dubbed him Major Minor.

One afternoon, I went around the Desire project with Serpas and a lieutenant named Russell Vappie. As we drove along the highway, Serpas pointed to a collection of tiny houses and said, "That's where we grew up, poor as church mice." Policing has been the family profession since 1914. Serpas is, perhaps, the least cynical person in the department. He dropped out of school when he got his girlfriend pregnant and had to go to work. He is now closing in on a doctoral degree in urban studies and is even more steeped in the sociology of crime than Bratton is, to say nothing of Maple. But to Serpas the project is personal rather than academic.

"Pennington is giving us the opportunity to be something we've never been before," Serpas told me. "I came here when I was twenty—almost seventeen years ago—and I was surrounded by people who'd been indicted and reprimanded, people who had been abusing the system every which way.

"In the late forties and fifties, there were so-called brown-bag capers—bribes paid out by bars and strip joints, for extra protection. In the late seventies, some officers in the Third District were running their own burglary ring. These problems are endemic in police work. But there's a difference. If a doctor is guilty of malpractice, well, sooner or later people will go to another doctor. In our case, if the police are guilty of malpractice, where is the community supposed to go? When

THE GAUNTLET

It has been said that the decline of American civilization began when ladies stopped wearing gloves on Fifth Avenue. Now the glove has once again marked a milestone on our national road to ruin. The Rockingham glove, the glove that didn't fit—invariably referred to as "the bloody glove," a phrase we heard so often that the adjective began to take on a distinctly British connotation of disgust—has attained macabre immortality. In "Bad Boys" the Bay Area artist Catherine Alden has created a mordant wall piece riffing on the most infamous exhibit in the trial that mesmerized the nation.

we've lost their trust, what do they do? Find *another* police force?"

I told Serpas, who is white, that a lot of white officers said that at least part of the reason for the decline in the eighties was affirmative action. They were filled with jealousy and resentment—a strange emotion, it seemed, considering the reputation of the department for decades before. Serpas grimaced. "Were it not for affirmative action," he said, "I and many other white and black officers would never have been promoted. The only ones promoted would have been the ones with personal connections. That's the way things worked. At some point, we became the employers of last resort. We would take anyone who could read and write—and just barely read and write. We lost a lot of faith in ourselves, and we certainly lost the faith of the community."

We drove and walked around the Desire project for a while. But, unlike some other projects where I had been with Maple, Desire had benefitted from the establishment of a "substation" in the housing project, a kind of adjunct to the Sixth District headquarters. One teen-ager told me that just having the office in the project meant that there were fewer guns around. "These guys hesitate a little before doing bad," he said.

Desire is stuck far away from downtown New Orleans. Vappie said he knew children who had never been downtown, never been on Canal Street or in the French Quarter. "They spent their whole lives inside Desire," he said.

"For the people in these projects, the odds are just overwhelming," Serpas said. "A lot of these young people will soon be dead or in prison. But, if we can help, what greater success could there be? And that's not pie in the sky.

"Jack is critical. He gives us a chance to see things new. We don't have enough experience from outside—or we didn't until now. The vast majority of these people are law-abiding citizens, and if we can help them, well, what better thing is there? I am an unabashed idealist. I don't get embarrassed about it, but I think most police officers do."

THE next morning, at seven, I took a cab to police headquarters with Maple for a Comstat session. Districts Two, Five, Six, and Eight were all scheduled to give reports. The commanders and other police brass more or less stumbled into the seven-thirty meeting. Maple was



"Objection, Your Honor! The prosecution is combining dog years and people years in a callous and deliberate attempt to confuse the witness."

pumped up, edgy, like a ballplayer before a game. Nearly everyone else seemed at ease, leisurely, like ballplayers in the off-season. Maple frowned. "They gotta crack the whip on the time," he said under his breath.

Finally, everyone had filed into a dull conference room with scattered chairs, an overhead projector, a screen, and a few tables. Serpas sat down. Maple pulled his seat up behind him.

"You want a doughnut, Jack?" someone said, offering a box.

"I want *all* the doughnuts," Maple said. "But, no, thanks."

"Aren't you hungry, Jack?"

"I've been hungry since I'm five years old," he said.

The lights were dimmed, the projector went on, and Comstat began. In no way did it resemble the intensity of the New York version. The commander of the Second District gave a defensive performance, rather like a schoolkid caught out on his homework. Serpas, for his part, pressed the commander, but he did not press too hard.

Once in a while, Maple would half whisper, half cough a suggestion ("Uh, warrants? What about . . . warrants?"), but he couldn't go far. Sometimes, Serpas felt

pushed, and, as is his right, he pushed back. Maple's instincts, his metabolism, are New York, but Serpas and Pennington have to live in New Orleans. Comstat was still new. "A month ago, these guys didn't know anything about what was going on in their own precincts," Pennington told me later. "Nothing. They'd tell me, 'Chief, we're so busy with calls for service that we don't have time for anything else.' They weren't focussed on crime fighting at all."

Captain Michael Ellington, of the Sixth District—a district filled with crime-ridden housing projects—was much more sure-handed and had the answers required of him. He had an easy sense of where crimes were being committed and how to deploy his officers to make arrests and cool off the hot spots. Ellington's headquarters were the worst in the city—I had been there a couple of nights before, and the building had all the roominess and elegance of a toolshed—but he had done remarkable work. Homicides were still at an "unacceptable" level, but other categories—rape, armed robbery, car thefts—were coming down. Ellington also came to Comstat with a sense of occasion. "This guy's got it," Maple whispered to me. "He's got the hint of arro-

gance, the pride, you like to see."

Ellington was also in possession of a wry bureaucratic turn of phrase. In reference to a murder on South Galvez, he said, without a hint of a smile, that the victim's "genital area looks like it could be involved with a prostitution-type arrangement."

"Maybe she was a biter," Maple said.

MAPLE and Linder are hoping for quick results, but even their most ardent supporters believe that they will have to wait a while. The department is still short on officers and resources; Comstat is new; a photo-imaging department and the crime labs are just starting to get used to the latest technology. Worse is the department's cultural legacy. For years, the leading crusader against police abuse in town has been Mary Howell, a lawyer in her forties who has represented clients in cases of police brutality. Howell is not a zealot; she does not hate the department, nor does she despair

of it. She does, however, know it well.

When Howell began speaking out about some celebrated brutality cases, she was rewarded with obscene phone calls, bags of excrement on her doorstep, and a dead pit bull thrown on her driveway. Though she admires many officers on the force, Howell has no illusions about the New Orleans Police Department. She has seen reformers come and go; she has read many earnest reports. It has also not escaped her notice that accompanying the drop in crime in New York was a steep and alarming rise in citizen complaints about abuse of authority, discourtesy, use of obscene language, and other infractions that indicate a more brazen force.

Maple and Howell hang out sometimes at the same bar—Molly's, on Decatur Street in the French Quarter—and Maple made it a point to pay an official call on her. Maple came away with a stack of civilian complaints (nearly all had been dismissed or ignored) and Howell came away lightly impressed.

"Jack is a bright guy who wants to do good, but there have been other bright guys who have wanted to do good, and he isn't staying forever," she told me. "This is a tough city—and a tough city for outsiders to get ahold of. It's slippery that

way. There's a lot of 'Oh, yes, that's very interesting,' and then you'll go away and we'll go right back to the way things have always been. I told Jack one thing, really: 'Show me.' I'm skeptical that there is a quick fix in New Orleans. You can't just move toy soldiers around and assume a huge change."

Howell said that one of the last reformers the city brought in to run the N.O.P.D. was James Parsons, a police chief from Birmingham, Alabama. Parsons arrived in 1978, a Ph.D. candidate with a sterling reputation. He left less than three years later, convinced that the place would not change. "You go back to the days of the pirates and the French in the eighteenth century, and you see that the political stuff is so systemic," Parsons, who is now in private business in Birmingham, told me. "These New Yorkers are blowing smoke, I'm afraid. I think it's a hopeless case."

There are scores of criminologists who can argue all sides of the question on both New York's success and New Orleans's failures. Few are as qualified as James Fyfe. After spending sixteen years on the N.Y.P.D., Fyfe became an academic and a writer, and one of his main areas of study has been the department in New Orleans. He teaches at Temple University. Fyfe warned against an over-optimistic reading of the New York numbers.

"There is a pattern being repeated since the nineteen-twenties: a new, highly profitable substance comes onto the market that is illegal," Fyfe said. "Former thugs in low-profit crimes become involved. Since they are unschooled and undisciplined, they screw each other and kill each other, but, after a while, the situation evolves, and the strong and the smarter ones gain a monopoly. The violence starts to go away, and the traffic gets less visible. In Prohibition, the violence was highest in the early twenties. By the time Prohibition ended, in 1933, there was far less violence. Capone and others were controlling the traffic. The same thing was true in Detroit in the late sixties and early seventies with heroin, and in Miami in the late seventies and early eighties with cocaine."

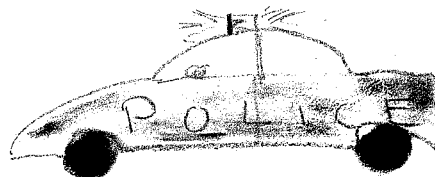
In New Orleans, they should be so lucky. Homicide has shown signs of decline, but not over a sustained period. Thanksgiving week, for example, was a disaster, a string of murders. In the French Quarter, men holding up the

Louisiana Pizza Kitchen shot four employees; three were killed. An advertising executive was raped, robbed, and murdered by a parking-lot attendant. The murders led to a candlelight vigil and a demonstration. In the French Quarter, posters urged people to call the mayor's office: "Give your name, telephone number, say the word 'death,' and hang up."

JACK flew north toward home for a brief holiday. He lives in a studio apartment on Central Park South, an address he chose mainly to be "close to the general." Bratton lives in more spacious quarters, a few doors down. Maple's apartment is decorated with a care inversely proportional to the attention he gives his wardrobe. The place is chaos. There is a Murphy bed, a pair of rosewood dragon chairs, an excuse-me-while-I-get-into-something-more-comfortable screen, and many things on the floor. The microwave is used occasionally for the preparation of matzo pizza. More often, Maple goes out.

When he gets to New York now, Maple sees his children, and then heads out at night with the old crowd: Bratton, John Miller (who is back on the air at WNBC since being forced out of the N.Y.P.D. by Giuliani in 1995), John Timoney, Michael Daly. They all met for dinner not long ago at Elaine's. A couple of tables away, Claudia Schiffer and David Copperfield sat together, looking as bored with each other as any old married couple. He glared and she shimmered, both exuding a certain pleasant light, but they seemed sour somehow, as if all this were not enough. No one at Maple's table seemed to pay the stars any mind. They were more interested in busting each other's chops and having a good time. While Maple and Timoney and Miller traded stories—street stories, mob stories, Comstat stories—Bratton receded into his camel-hair jacket, smiled thinly, and took it all in. Maple was intent on cheering him up.

"C'mon, Commish!" he said. "It'll be like Lee Marvin in 'Cat Ballou'! I'll go to the ol' trunk and get out the old clothes, and we'll take it on the road one more time."



Bratton smiled, but it was a forced smile, the smile of a boy getting kissed by a powdered aunt.

"We still have fun, but it's a little painful to think about how short a time we had in the limelight," Miller told me later. "At least for us, it was Camelot. Bratton was this new star on the horizon who had all of this promise, and very quickly the promise started to come true. It didn't have to unfold over long years. He was a charismatic Kennedyesque character in New York. And he came in alone. A lot of commissioners came in from the ranks and had their own guys and put those guys in place. Bratton brought in me and Jack: a TV reporter and a Transit lieutenant. When people called me Commissioner, when I went to the meetings and the guards snapped a salute, I revelled in the tradition. But Jack used to say, 'Yeah, yeah, we're a coupla clerks who work downtown.' We had this incredible run. At least I had a high-paying job in the public eye. But look at Jack. Jack looked up one day and said, 'I know what I wanna be and I know what I am,' and instead of leading the miserable life dealt to him, he turned around and invented the guy he wanted to be. He invented Jack Maple and went forward as Jack Maple. I think he was happiest in his life in the N.Y.P.D. It was just a golden time. He spent his whole life waiting to fix this Rubik's Cube. Finally someone came along and handed him the cube."

Maple still misses New York, that golden time, but he is no longer at sea. "I can live with focussing on New Orleans," Maple was saying. "I know what all the critics and the academics are saying. But all the naysayers are related to the people who thought the world was flat. This is a revolution. Remember how Hannibal used infantry and artillery together, or how Napoleon used rapid deployment? Those were revolutions, and so is what we're doing."

Around midnight, Miller and Maple proposed a trip up to Harlem to see Lonnie Youngblood play sax at another favorite hangout, Showman's Cafe, on 125th Street. Bratton, who cannot bear smoke and loud music, begged off and found a cab. His head would hit the pillow at about the moment Youngblood played the opening notes to "Stagger Lee." Miller hopped in his jeep and Maple and Brigid got in a Mustang and the race to Harlem was on.

As Maple steered through the night, he heard the blare of a police siren not far off.

"Hey, Brigid! Listen!" he said. "They're playing our song!" ♦

PORTFOLIO BY
JAMES NACHTWEY

BAD NEWS

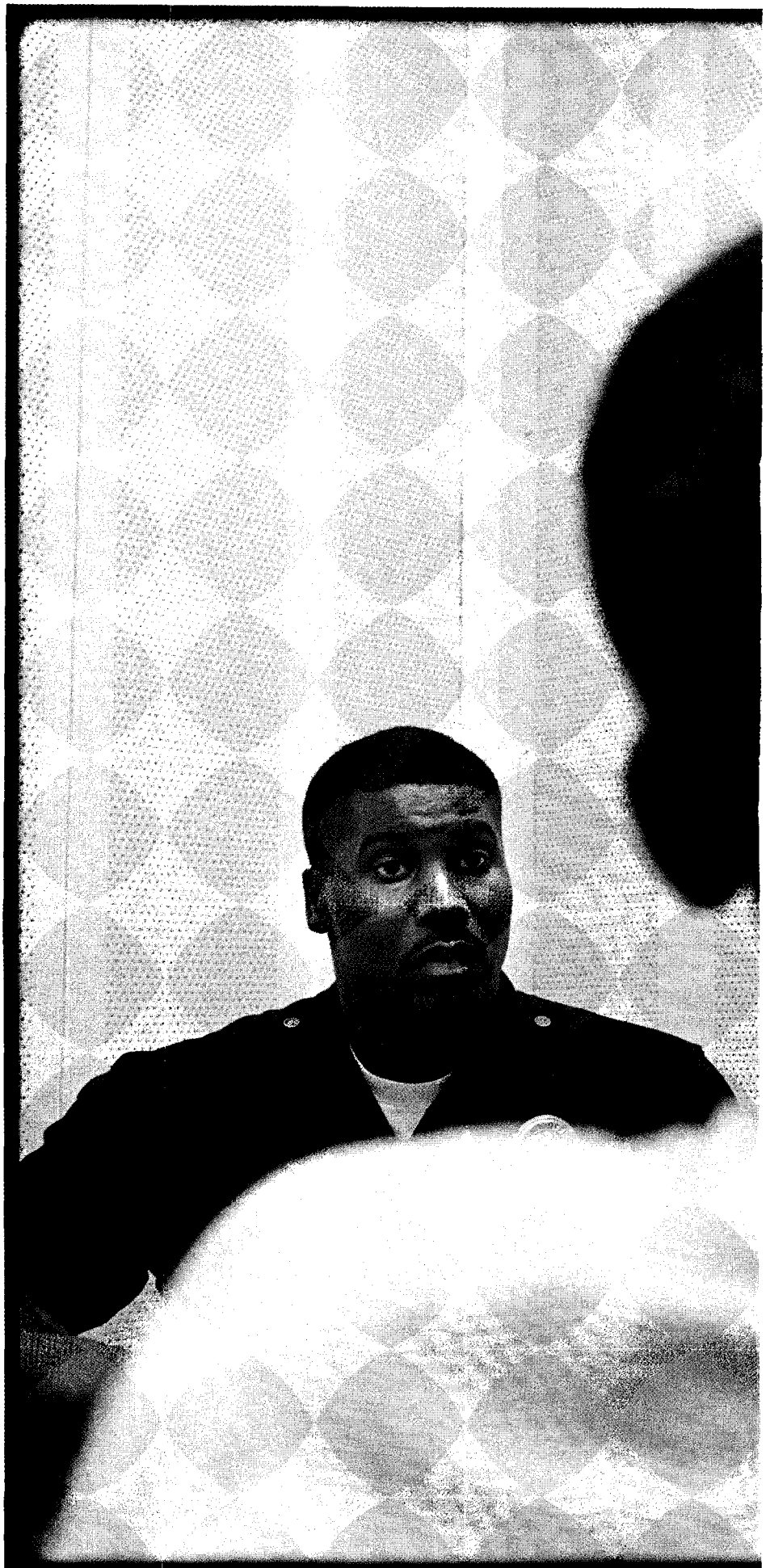
THE work of even the most aggressive and intrepid photojournalists often possesses an after-the-fact quality, for which we tend to be oddly grateful: we prefer a buffer between ourselves and the devastation, the blunt evidence of inconsolable tragedy, the corpse with open eyes. Truly horrible news? Thank you very much; now let's move on.

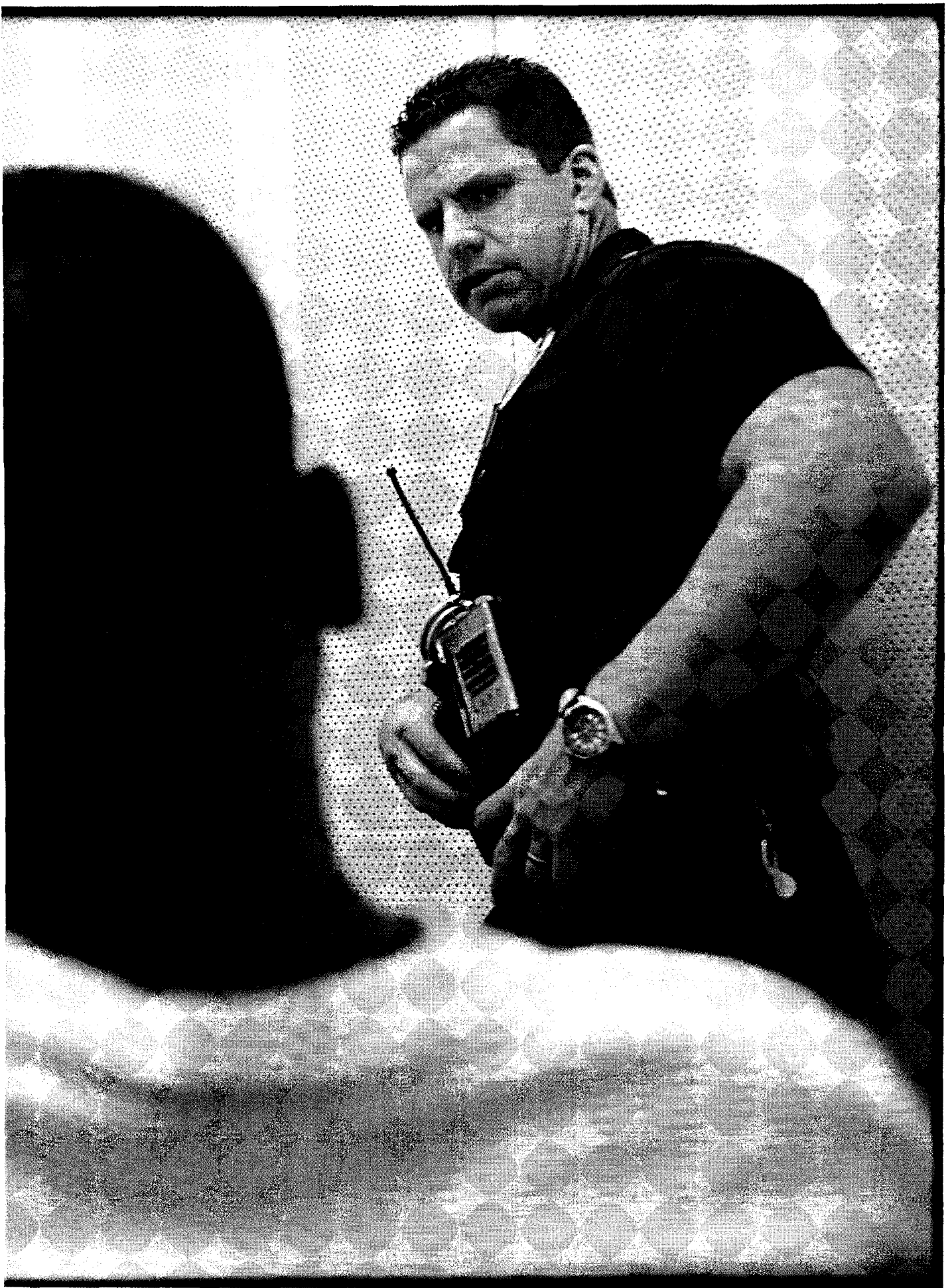
The photographer James Nachtwey has the impertinence to keep dragging us back. Since 1981, he has moved from one violent venue to the next: Northern Ireland, Lebanon, El Salvador, Nicaragua, South Africa, Afghanistan, Sri Lanka, the Philippines, Rwanda, Uganda, Somalia, Sudan, Chechnya, Bosnia. He seeks "ground-level images . . . to humanize what would otherwise remain abstractions or statistics," and his photographs have won him more professional accolades than perhaps any other living photographer. He has received four Robert Capa Gold Medals, two World Press Photo Awards, and six designations as Magazine Photographer of the Year.

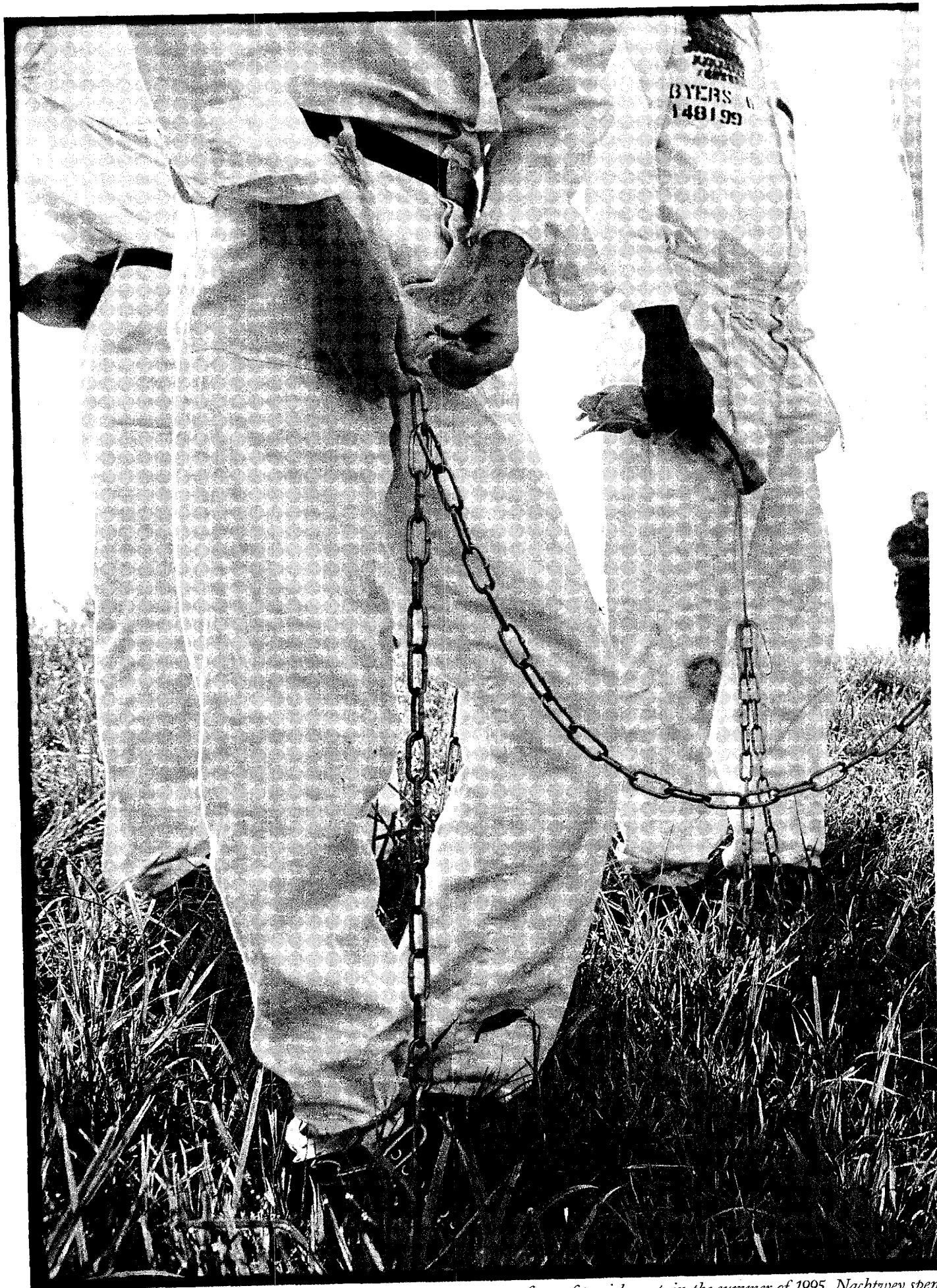
In 1994, Nachtwey, who lives in New York, began for the first time to take pictures in his front yard. He visited fresh homicides with members of an N.Y.P.D. Crime Scene Unit, then carried his preoccupation with crime and punishment to Los Angeles, New Orleans, and rural Alabama. "When I'm in a war," he says, "I'm sharing the perils and hardships of the people I'm photographing. What happens to them could just as easily happen to me." The images on these pages, in contrast, he considers the work of "a pure observer, because I'm not sharing the risk."

With his gift for composition, Nachtwey presents the unreadable back of the head of a fourteen-year-old who's been picked up on a gun charge, as well as the suspect's clear-eyed perspective on what it's like to be interrogated by the L.A.P.D. His photograph of an Alabama chain gang and its shotgun-toting overseer documents a form of legal bondage that is, it turns out, endorsed by three-quarters of that state's white citizens. Though Nachtwey refrains from telling us where we should stand, he makes a strong case that detachment is a luxury we can't afford.

—MARK SINGER







After Alabama brought back the chain gang as a form of punishment, in the summer of 1995, Nachtwey spent



two weeks with a work crew. "Simply by documenting facts," he says, "photographs can act as a kind of protest."

A CRITIC AT LARGE

DOSTOYEVSKY'S UNABOMBER

Raskolnikov lives on.

BY CYNTHIA OZICK

SOON after dawn on a very cold winter morning in 1849, fifteen Russian criminals were led, in groups of three, before a firing squad. They were all insurgents against the despotism of Czar Nicholas I. They were mostly educated men, idealists in pursuit of a just society. They felt no remorse. Several were professed atheists; all were radicals. A priest carrying a cross and a Bible accompanied them. The first three were handed white gowns and shapeless caps and ordered to put them on; then they were tied to posts. The rest waited their turn. Each man in his own way prepared to die. The sun was beginning to brighten; the firing squad took aim. At just that moment, there was a signal—a roll of drums—and the rifles were lowered. A galloping horseman announced a reprieve. Although the condemned were unaware of it, the execution was staged, and the reprieve was designed to demonstrate the merciful heart of the Czar. Instead of being shot, the criminals were to be transported in shackles to a Siberian penal colony.

One of the men went permanently mad. Another, fifteen years afterward, wrote "Crime and Punishment," an impassioned assault on exactly the kind of radical faith that had brought its author to face the Czar's riflemen that day. It was a work almost in the nature of double jeopardy: as if Fyodor Dostoyevsky in middle age—defender of the czar, enemy of revolutionary socialism—were convicting and punishing his younger self yet again for the theories that the mature novelist had come to abhor.

A NEW type of crime is on the American mind—foreign, remote, metaphysical, even literary, and radically different from what we are used to. Street crime, drunken crime, drug-inspired crime, crimes of passion and greed and revenge, crimes against children, gangster

crime, white-collar crime, break-ins, car thefts, holdups—these are familiar, and to a degree nearly expected. They shake us up without disorienting us. They belong to our civilization; they are the darker signals of home. "Our" crime has usually been local—the stalker, the burglar, the mugger lurking in a doorway. Even Jeffrey Dahmer, the cannibal sadist who kept boys' body parts in his kitchen refrigerator, is not so very anomalous in the context of what can happen in ordinary neighborhoods: a little girl imprisoned in an underground cage; children tormented, starved, beaten to death; newborns bludgeoned; battered women, slain wives, mutilated husbands. Domesticity gone awry.

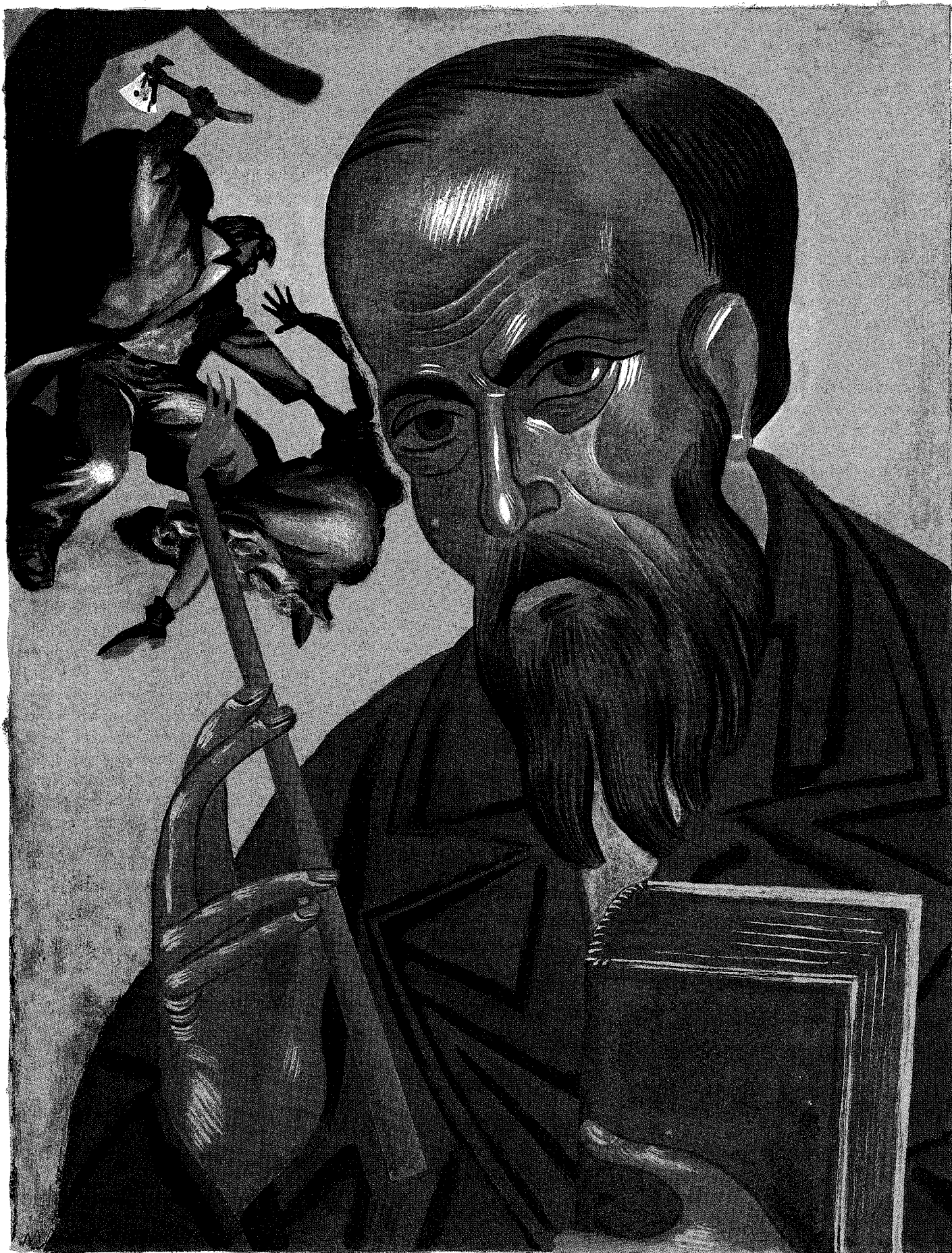
All this is recognizable and homespun. What feels alien to America is the philosophical criminal of exceptional intelligence and humanitarian purpose, who is driven to commit murder out of an uncompromising idealism. Such a type has always seemed a literary construct of a particular European political coloration ("The Secret Agent," "The Princess Casamassima"), or else has hinted at ideologies so far removed from tame Republicans and Democrats as to be literally outlandish. Then came the mysterious depredations of the Unabomber. Until the melodramatic publication of his manifesto, the Unabomber remained a riddle—unpredictable, unfathomable, sans name or habitation. In garrulous print, his credo revealed him to be a visionary. His dream was of a green and pleasant land liberated from the curse of technological proliferation. The technical élites were his targets—computer wizards like Professor David Gelernter, of Yale, a thinker in pursuit of artificial intelligence. Maimed by a package bomb, Gelernter escaped death; others did not.

In the storm of interpretation that followed the Unabomber's public declaration of principles, he was often mistaken for a kind of contemporary Luddite. This was

a serious misnomer. The nineteenth-century Luddites were hand weavers who rioted against the introduction of mechanical looms into England's textile industry; they smashed the machines to protect their livelihoods. They were not out to kill, nor did they promulgate romantic theories about the wholesome superiority of hand looms. They were selfish, ruthlessly pragmatic, and societally unreasonable. The Unabomber, by contrast, is, above all, a calculating social reasoner and messianic utopian. He hopes to restore to us cities and landscapes clear of digital complexities; he means to clean the American slate of its accumulated technostructural smudges. And if Theodore Kaczynski turns out to be guilty as charged, then we can also acknowledge him to be selfless and pure, loyal and empathic, the sort of man who befriends, without condescension, an uneducated and impoverished Mexican laborer. It is easy to think of the Unabomber, living out his principles in his pollution-free mountain cabin, as a Thoreauvian philosopher of advanced environmentalism. The philosopher is one with the murderer. The Napoleonic world-improver is one with the humble hermit of the wilderness.

In the Unabomber, America has at last brought forth its own Raskolnikov—the appealing, appalling, and disturbingly visionary murderer of "Crime and Punishment," Dostoyevsky's masterwork of 1866. But the Unabomber is not the only ideological criminal (though he may be the most intellectual) to have burst out of remoteness and fantasy onto unsuspecting native grounds. He is joined by the Oklahoma City bombers, the World Trade Center bombers, the abortion-clinic bombers. The Weathermen of the sixties, who bombed banks and shot police in order to release "Amerika" from the tyranny of a democratic polity, are close ideological cousins of the Russian nihilists who agitated against Alexan-

DAVID MAZZUCHELLI



Like the Unabomber, Raskolnikov is an intellectual who publishes a notorious essay. Both men are obscure loners. Both are idealists. Both are murderers. Contemporary America, it seems, has finally caught up with czarist Russia's most argumentative novelist.

der II, the liberalizing czar of a century before. That celebrated nineteen-sixties mantra—to make an omelette you need to break eggs—had its origin not in an affinity for violence but in the mouth-watering lure of the humanitarian omelette. Only the gastronomic image was novel. In the Russian sixties, a hundred years earlier—in 1861, the very year Alexander II freed the serfs—a radical young critic named Dimitry Pisarev called for striking “right and left” and announced, “What resists the blow is worth keeping; what flies to pieces is rubbish.” Here was the altruistic bomber’s dogma, proclaimed in the pages of an intellectual journal—and long before *The New York Review of Books* published on its front cover a diagram of how to construct a Molotov cocktail.

Like the Unabomber, Raskolnikov is a theorist who publishes a notorious essay expounding his ideas about men and society. Both are obscure loners. Both are alienated from a concerned and affectionate family. Both are tender toward outcasts and the needy. Both are élitists. Both are idealists. Both are murderers. Contemporary America, it seems, has finally caught up with czarist Russia’s most argumentative novelist.

And in “Crime and Punishment” Dostoyevsky was feverishly pursuing an argument. It was an argument against the radicals who were dominant among Russian intellectuals in the eighteen-sixties, many of them espousing nihilist views. In the universities, especially, revolutionary commotion was on the rise. Yet there was an incongruity in the timing of all these calls for violent subversion. Petersburg was no longer the seat of the czar of the repressive eighteen-forties, the tyrannical Nicholas I, against whose cruelties convulsive outrage might be justly presumed. Paradoxically, under that grim reign even the most fiery radicals were at heart gradualists who modelled their hopes on Western reformist ideas. By the rebellious sixties, the throne was held by Nicholas’s moderate son and successor, whose numerous democratic initiatives looked to be nudging Russia toward something that might eventually resemble a constitutional monarchy. The younger revolutionary theorists would have none of it. It was incomplete; it was too slow. Liberalism, they roared, was the enemy of revolution, and would impede a more definitive razing of evil.

The first installments of “Crime and

Punishment” had just begun to appear in the Slavophile *Russian Messenger*, an anti-radical, establishment-glorifying periodical, when a student revolutionary made an attempt on the life of the Czar as he was leaving the gardens of the Winter Palace to enter his carriage. The government responded with a Draconian crackdown on the radicals. “You know,” Dostoyevsky wrote cuttingly to his publisher in the aftermath of these events, “they are completely convinced that on a *tabula rasa* they will immediately construct a paradise.” But he went on to sympathize with “our poor little defenseless boys and girls” and “their enthusiasm for the good and their purity of heart.” So many “have become nihilists so purely, so unselfishly, in the name of honor, truth, and genuine usefulness!” he said. “They are helpless against these stupidities, and take them for perfection.” And though in the same letter he spoke of “the powerful, extraordinary, sacred union of the Czar with the people,” he objected to the increase in repression. “But how can nihilism be fought without freedom of speech?” he asked.

This mixture of contempt for the radicals and solicitude for their misguided, perplexed, and perplexing humanity led to the fashioning of Raskolnikov. Pisarev striking right and left was one ingredient. Another was the appeal of self-sacrificial idealism. And a third was the literary mode through which Dostoyevsky combined and refined the tangled elements of passion, brutishness, monomaniacal principle, mental chaos, candor, mockery, fury, compassion, generosity—and two brutal axe murders. All these contradictory elements roil through Raskolnikov with a nearly Joycean effect, but if stream of consciousness flows mutely and uninterruptedly, assimilating the outer world into the inner, Raskolnikov’s mind—and Dostoyevsky’s method—is zigzag and bumpy, given to rebellious and unaccountable alterations of purpose. Raskolnikov is without restraint—not only as an angry character in a novel but as a reflection of Dostoyevsky himself, who was out to expose the entire

spectrum of radical thought engulfing the writers and thinkers of Petersburg.

This may be why Raskolnikov is made to rush dizzily from impulse to impulse, from kindness to withdrawal to lashing out, and from one underlying motive to another—a disorderliness at war with his half-buried and equivocal conscience. Only at the start is he seen, briefly, to be deliberate and in control. Detached, reasoning it out, Raskolnikov robs and murders a pawnbroker whom he has come to loathe—an unpleasant and predatory old woman alone and helpless in her flat. He hammers her repeatedly with the heavy handle of an axe:

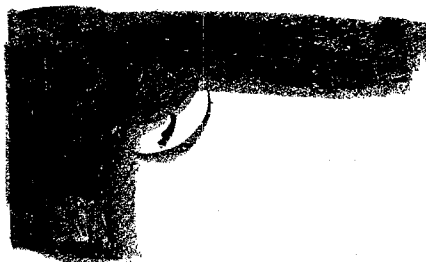
Her thin hair, pale and streaked with gray, was thickly greased as usual, plaited into a ratty braid and tucked under a piece of horn comb that stuck up at the back of her head. . . . He struck her again and yet again with all his strength, both times with the butt-end, both times on the crown of the head. Blood poured out as from an overturned glass.

Unexpectedly, the old woman’s simple-minded sister just then enters the flat. She is disposed of even more horribly: “The blow landed directly on the skull, with the sharp edge, and immediately split the whole upper part of the forehead, almost to the crown.”

The second slaying is an unforeseen by-product of the first. The first is the rational consequence of forethought. What is the nature—the thesis—of this forethought? Shortly before the murder, Raskolnikov overhears a student in a tavern speculating about the pawnbroker: she is “rich as a Jew,” and has willed all her money to the Church. “A hundred, a thousand good deeds and undertakings . . . could be arranged and set going by the money that old woman has doomed to the monastery!” exclaims the student.

Hundreds, maybe thousands of lives put right; dozens of families saved from destitution, from decay, from ruin, from depravity, from the venereal hospitals—all on her money. Kill her and take her money, so that afterwards with its help you can devote yourself to the service of all mankind and the common cause. . . . One death for hundreds of lives—it’s simple arithmetic! And what does the life of this stupid, consumptive, and wicked old crone mean in the general balance? No more than the life of a louse, a cockroach.

Startled by this polemic, Raskolnikov admits to himself that “*exactly the same thoughts* had just been conceived in his own head”—though not as harmless theoretical bombast.



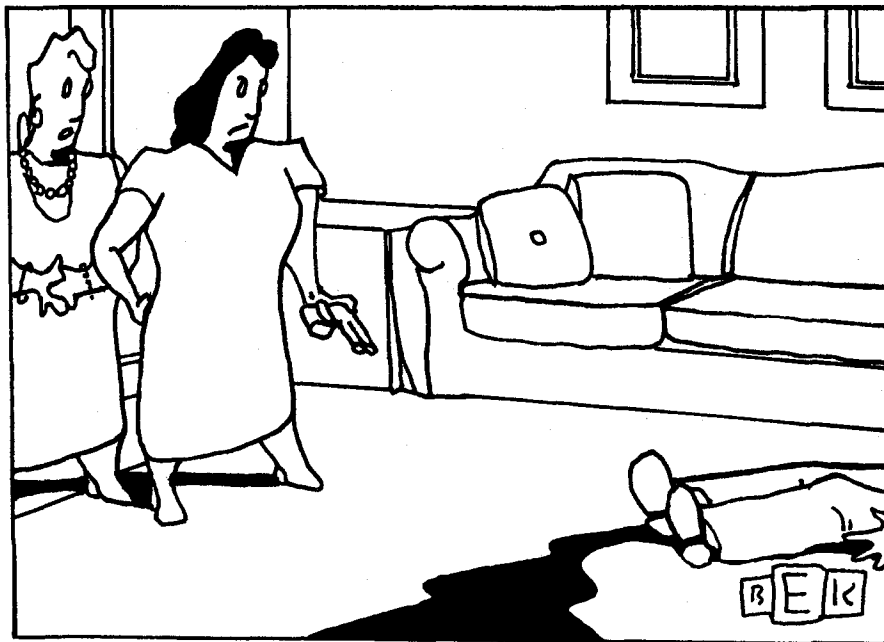
The theory in Raskolnikov's head—Benthamite utilitarianism, the greatest good for the greatest number, with its calibrated notions of what is useful and what is expendable—had been current for at least a decade among the Westernizing majority of the Russian intelligentsia, especially the literati of the capital. In supplying Bentham with an axe, Dostoyevsky thought to carry out the intoxications of the utilitarian doctrine as far as its principles would go: brutality and bloodletting would reveal the poisonous fruit of a political philosophy based on reason alone.

A fiercely sardonic repudiation of that philosophy—some of it in the vocabulary of contemporary American controversy—is entrusted to Raskolnikov's affectionate and loyal comrade, Razumikhin:

It started with the views of the socialists. . . . Crime is a protest against the abnormality of the social set-up—that alone and nothing more, no other causes are admitted—but nothing! . . . With them one is always a "victim of the environment"—and nothing else! . . . If society itself is normally set up, all crimes will at once disappear, because there will be no reason for protesting. . . . Nature isn't taken into account, nature is driven out, nature is not supposed to be! . . . On the contrary, a social system, coming out of some mathematical head, will at once organize the whole of mankind and instantly make it righteous and sinless. . . . And it turns out in the end that they've reduced everything to mere brickwork and the layout of corridors and rooms in a phalanstery!

The phalanstery, a coöperative commune, was the brainchild of Charles Fourier, who, along with Saint-Simon (and well before Marx), was an enduring influence on the Francophile Russian radical intelligentsia. But Razumikhin's outcry against the utopian socialists who idealize the life of the commune and fantasize universal harmony is no more than a satiric rap on the knuckles. Dostoyevsky is after a bloodier and more threatening vision—nihilism in its hideously perfected form. This is the ideological cloak he next throws over Raskolnikov: it is Raskolnikov's manifesto as it appears in his article. The "extraordinary man," Raskolnikov declares, has the right to "step over certain obstacles" in order to fulfill a mission that is "salutary for the whole of mankind":

In my opinion, if, as the result of certain combinations, Kepler's or Newton's discoveries could become known to people in no other way than by sacrificing the lives of one, or ten, or a hundred or more people who were hindering the discovery, or standing as an obstacle in its path, then Newton would have the right, and it would



"There goes the Aubusson."

even be his duty . . . to remove those ten or a hundred people, in order to make his discoveries known to all mankind.

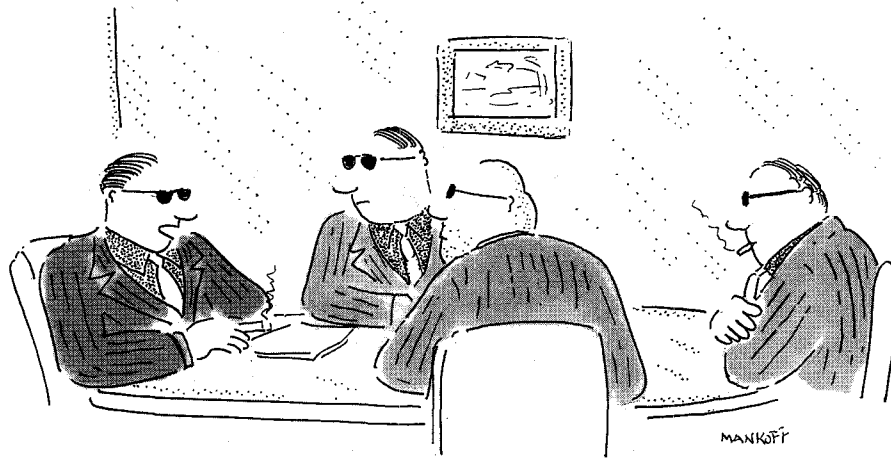
Extraordinary men—Lycurgus, Solon, Napoleon—call for "the destruction of the present in the name of the better," and will lead the world toward a new Jerusalem.

To which Razumikhin, recoiling, responds, "You do finally permit bloodshed in all conscience." And, just here, in the turbulence of Razumikhin's revelation—and prefiguring Sakharov, Solzhenitsyn, and Sharansky—Dostoyevsky makes his case for the dismantling of the Soviet state half a century before the revolutionary convulsion that brought it into being.

YET the mammoth irony of Dostoyevsky's life remains: the writer who excoriated the radical theorists, who despised the nihilist revolutionaries, who wrote novel after novel to defy them, once belonged to their company. It is easy to dislike him, and not because the spectacle of a self-accusing apostate shocks. He ended as a Slavophile religious believer; but in his twenties he was what he bitterly came to scorn—a Westernizing Russian liberal. Nevertheless, a certain nasty consistency ruled. At all times, he was bigoted and xenophobic: he had an irrational hatred of Germans and Poles, and his novels are speckled with anti-Semitism. He attacked Roman Catholicism as the temporal legacy of a pagan empire, while ex-

tolling Russian Orthodoxy. He was an obsessive and deluded gambler, scheming to strike it rich at the snap of a finger: he ran madly to the roulette tables of Europe, and repeatedly reduced himself and his pregnant young second wife to actual privation. In danger of debtors' prison in Russia, he was compelled for years to wander, homeless and wretched, through Germany and Switzerland. In Wiesbaden, he borrowed fifty talers from Turgenyev and took ten years to repay him. He held the rigidly exclusionary blood-and-soil tenet that the future of civilization lay with Russia alone. He was seriously superstitious and had a silly trust in omens and dreams. He was irritable, sometimes volcanically so, and inordinately vain. And, if all these self-inflicted debilities of character were not ugly enough, he suffered from a catastrophic innate debility: he was subject, without warning, to horrifying epileptic seizures in a period when no medical controls existed.

Though not quite without warning. Dostoyevsky's fits were heralded by a curious surge of ecstasy—an "aura" indistinguishable from religious exaltation. He underwent his first seizure, he reported, on an Easter morning: "Heaven had come down to earth and swallowed me. I really grasped God and was penetrated by Him." But there may have been unidentified earlier attacks, different in kind. At the age of ten, he experienced an auditory



"Now, assisted suicide—that could be a growth area for us."

hallucination: he thought he heard a voice cry "A wolf is on the loose!" and was comforted by a kindly serf who belonged to his father.

Later fits repeatedly triggered the divine penumbra. He was well prepared for it. From childhood, he had been saturated in a narrow household piety not unlike the unquestioning devoutness of the illiterate Russian peasant. Prayers were recited before icons; a clergyman came to give lessons. The Gospels were read, and so were the *Acta Martyrum*—the lives of the saints—with their peculiarly Russian emphasis on passive suffering. No Sunday or religious holiday went unobserved, on the day itself and at vespers the evening before. Dostoyevsky's father, a former Army doctor on the staff of a hospital for the poor outside Moscow, frequently led his family on excursions to the great onion-domed Kremlin cathedrals, where religion and nationalism were inseparable. Every spring, Dostoyevsky's mother took the children on a pilgrimage to the Monastery of St. Sergey, sixty miles from Moscow, where they knelt among masses of the faithful before an imposing silver reliquary said to contain the saint's miraculous remains. None of this was typical of the Russian gentry of the time. Neither Tolstoy nor Turgenev had such an upbringing. Joseph Frank, Dostoyevsky's superb and exhaustive biographer, explains, "Most upper-class Russians would have shared the attitude exemplified in Herzen's anecdote about his host at a dinner party who, when asked whether he was serving Lenten dishes out of personal conviction, replied that it was 'simply

and solely for the sake of the servants.'"

There is speculation that Dostoyevsky's father may have had a mild form of epilepsy himself: he was gloomy, moody, and unpredictably explosive, a martinet who drank too much and imposed his will on everyone around him. In his youth, he completed his studies at a seminary for non-monastic clergy, a low caste, but went on to pursue medicine, and eventually elevated himself to the status of the minor nobility. His salary was insufficient, however, and the family was not well off, despite the doctor's purchase of a small and scrubby estate, along with its "baptized property"—the serfs attached to the land. When Dostoyevsky was sixteen, his father dispatched him and his older brother, Mikhail, both of whom had literary ambitions, to the Academy of Military Engineers, in Petersburg, in preparation for government careers. But the doctor's plan for his sons came to nothing. Less than two years later, in a season of drought, bad crops, and peasant resentment, Dostoyevsky was informed that his father had been found dead on the estate, presumably strangled by his serfs. Killings of this kind were not uncommon. In a famous letter to Gogol (the very letter that ultimately sent Dostoyevsky before the firing squad), the radical critic Vissarion Belinsky wrote that the Czar was "well aware of what the landowners do with their peasants and how many throats of the former are cut every year by the latter."

Freed from engineering (and from a despotic father), Dostoyevsky went flying into the heart of Petersburg's literary life. It was the hugely influential Belinsky who

catapulted him there. Dostoyevsky's first novel, "Poor Folk"—inspired by the social realism of Balzac, Victor Hugo, and George Sand, and published in 1846—was just the sort of fiction Belinsky was eager to promote. "Think of it," he cried, "it's the first attempt at a social novel we've had." He instantly proclaimed the new writer a genius, and admitted him, at twenty-four, into Petersburg's most coveted intellectual circle, Belinsky's own *pléiade*. The talk was socialist and fervent, touching on truth and justice, science and atheism, and, most heatedly, on the freeing of the serfs.

Success went to Dostoyevsky's head. "Everywhere an unbelievable esteem, a passionate curiosity about me," he bragged to his brother. "Everyone considers me some sort of prodigy. . . . I am now almost drunk with my own glory." The *pléiade* responded to this posturing first with annoyance and then with rough ribbing. Belinsky kept out of it, but Turgenev took off after the young prodigy with a scathing parody. Dostoyevsky walked out, humiliated and enraged, and never returned. "They are all scoundrels and eaten up with envy," he fumed. He soon gravitated to another socialist discussion group, which met on Friday nights at the home of Mikhail Petrashevsky, a well-born twenty-six-year-old. Petrashevsky had accumulated a huge library of political works forbidden by the censors, and was even less tolerant of Christianity than the *pléiade* was: for him Jesus was "the well-known demagogue." To improve the miserable living conditions of the peasants on his land, Petrashevsky had a commodious phalanstery built for them, with every amenity provided. They all moved in, and the next day burned down the master's paternalistic utopia. Undaunted, Petrashevsky continued to propagandize for his ideas: the end of serfdom and censorship, and the reform of the courts. His commitment was to gradualism, but certain more impatient members of the Petrashevsky circle quietly formed a secret society dedicated to an immediate and deeply perilous activism.

It was with these that Dostoyevsky aligned himself: he joined a scheme to print and disseminate the explosive manifesto, in the form of the letter to Gogol, which Belinsky had composed a year or so earlier, protesting the enslavement of the peasants. Russia, Belinsky wrote, "presents the dire spectacle of a country where men traffic in men, without even having the excuse so insidiously exploited by the Amer-

ican plantation owners who claim that the Negro is not a man." Dostoyevsky gave an impressive reading of this document at one of Petrashevsky's Friday nights. His audience erupted into yells of "That's it! That's it!" A government spy took notes, and shortly after four in the morning Dostoyevsky's bedroom was invaded by the Czar's secret police. He was arrested as a revolutionary conspirator; he was twenty-seven years old.

Nicholas I took a malicious interest in the punishment for this crime against the state—the Czar *was* the state—and personally ordered the mock execution, the last-minute reprieve, the transport to Siberia. Dostoyevsky's sentence was eight years; he served four at forced labor in a prison camp at Omsk and the rest in an Army regiment. In Siberia, after his release from the camp, he was married for the first time—a tumultuous widow with worsening tuberculosis. His own affliction worsened: seizure followed on seizure. For the remainder of his life, he would not be free of the fear that he would die while he was in their grip.

And the moment of cataclysmic terror before the firing squad never left him. He was not so much altered as strangely—almost mystically—restored: restored to what he had felt as a child, kneeling with his mother at the reliquary of St. Sergey. He spoke circumspectly of "the regeneration of my convictions." The only constant was his hatred of the institution of serfdom—but to hate serfdom was not to love peasants, and when he began to live among peasant convicts (political prisoners were not separated from the others) he found them degraded and savage, with a malignant hostility toward the gentry thrown into their midst. The agonies of hard labor, the filth, the chains, the enmity, the illicit drunkenness, his own nervous disorders—all these assailed him, and he suffered in captivity from a despondency almost beyond endurance.

Then, in a metamorphosis akin to the Ancient Mariner's sudden love for the repulsive creatures of the sea, he was struck by what can only be called a conversion experience. In the twisted and branded faces of the peasant convicts—men much like those

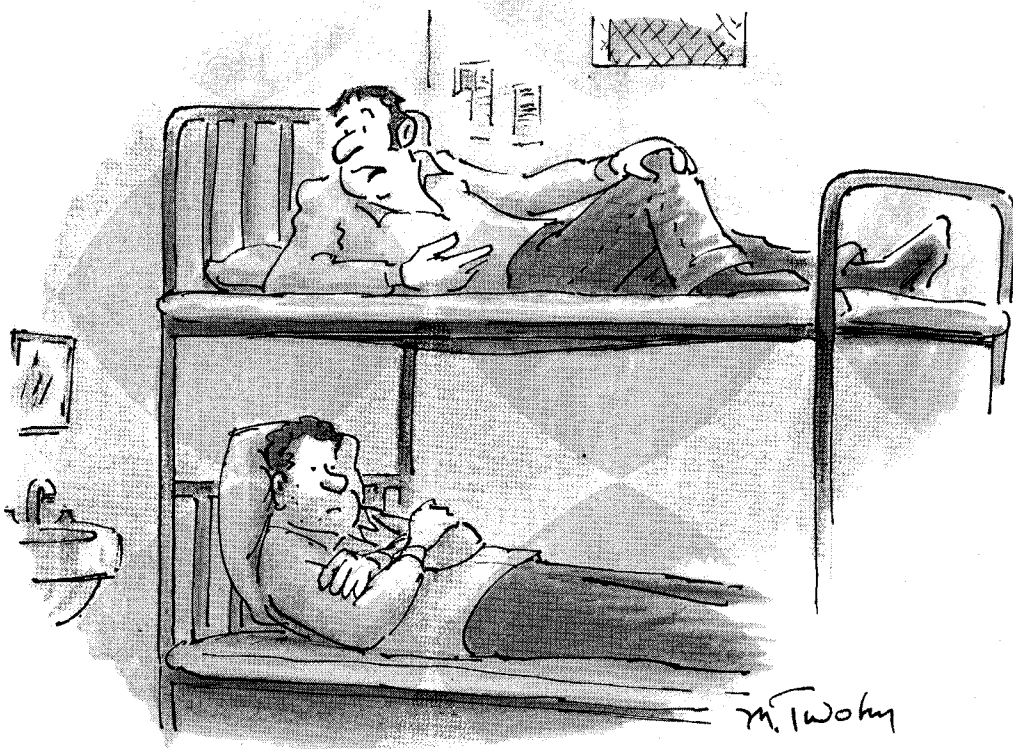
who may have murdered his father—he saw a divine illumination: he saw the true Russia; he saw beauty; he saw the kind-hearted serf who had consoled him when the imaginary wolf pursued. Their instinctive piety was his. Their soil-rootedness became a precept. He struggled to distinguish between one criminal motive and another: from the viewpoint of a serf, was a crime against a hardened master really a crime? Under the tatters of barbarism, he perceived the image of God.

The collective routine of the stockade drove him further and further from the socialist dream of communal living. "To be alone is a normal need," he railed. "Otherwise, in this enforced communism one turns into a hater of mankind." And at the same time he began to discover in the despised and brutalized lives of the peasant convicts a shadow of the redemptive suffering that is the Christian paradigm. More and more, he inclined toward the traditional Orthodoxy of his upbringing. He fought doubt with passionate unreason: "If someone proved to me that Christ is outside the truth, and that *in reality* the truth were outside of Christ then I should prefer to remain with Christ than with the truth." This set him against his old associates, both radicals and liberals. Years later, when Belinsky was dead, Dos-

toevsky was still thundering against "shit-heads like the dung-beetle Belinsky," whom he would not forgive because "that man reviled Christ to me in the foulest language."

The culmination of these renunciations was a white-hot abomination of radicalism in all its forms—from the Western-influenced gentry-theorists of the eighteen-forties to the renegades who burst into nihilism in the sixties, when student revolutionaries radicalized the universities. With his brother, Mikhail, Dostoyevsky founded *Vremya* (*Time*), a literary-political periodical intended to combat the socialist radicals. It was in the arena of the monthlies that, under literary cover to distract the censors, the ideological fires smoldered. Though *Vremya* was a success, a misunderstanding led the censorship to close it down. Soon afterward, Dostoyevsky's wife died of consumption; then Mikhail collapsed and died. Dostoyevsky fell into serious debt, went bankrupt, and, in 1867, fled to the hated West to escape his creditors.

With him went Anna, the worshipful young stenographer to whom he had begun to dictate his work, and whom he soon married. Four enforced years abroad took on the half-mad, hallucinatory frenzy of scenes in his own novels: he gambled and



"It's interesting—with each conviction I learn a little more about myself."

lost, gambled and wrote, pawned his wife's rings and gambled and lost and wrote. His work was appearing regularly in the reactionary *Russian Messenger*. Dostoyevsky had now gone over to the other side altogether. "All those trashy little liberals and progressives," he sneered, "find their greatest pleasure and satisfaction in criticizing Russia." It was on this issue that Dostoyevsky broke with Turgenev, with Belinsky, with Petrashevsky—not only because of their liberalism but because he believed that they did not love Russia enough. To love Russia was to love the czar and the debased peasant (who, debased by the czar, also loved the czar); it was to see human suffering as holy and the peasant as holy; it was to exalt the *obshchina*, the Russian village commune, while condemning the French phalanstery; it was to love the Russian church largely through the vilification of all other churches; it was to press for the love of God with a hateful ferocity.

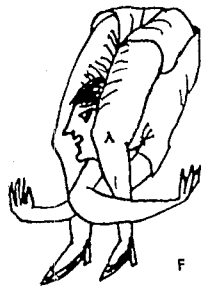
Joseph Frank, Dostoyevsky's biographer, seems certain that Dostoyevsky's conversion "should not be seen as that of a strayed ex-believer returning to Christ," since he had "always remained in some sense a Christian." But the suggestion of a continuum of sensibility may be even stronger than that. After a plunge into the period's dominant cultural milieu, the son of an authoritarian father—authoritarian personally, religiously, nationally—returns to the father. It is common enough that an intellectual progression will lead to a recovery of the voices around the cradle.

In January of 1881, Dostoyevsky, now a literary eminence more celebrated than Turgenev, died of a hemorrhage of the throat. A month later, Czar Alexander II—Russia's earnest liberalizer and liberator—was assassinated. From the last half of the nineteenth century until the Bolshevik defeat of the liberal Kerensky government, in the second decade of the twentieth, revolution continued to overcome reform. In this guise—injury for the sake of an ideal—Raskolnikov lives on. For seventy years, he was victorious in Russia. And even now, after the death of the Soviet Union, auguring no one knows what, his retributive figure roves the earth. If he is currently mute in Russia, he is loud in Northern Ireland and in the Middle East; he has migrated to America. He survives in the violence of human-

itarian visionaries who would seize their utopias via axe, Molotov cocktail, or innocent-looking packages sent through the mail.

RASKOLNIKOV as monster of ruination, reason's avenging angel: here speaks the ideologue Dostoyevsky, scourge of the radicals. But this single clangorous note will not hold. Dostoyevsky the novelist tends toward orchestration and multiplicity. Might there be other reasons for the murder of the old woman? Raskolnikov has already been supplied with messianic utilitarianism, a Western import, carried to its logical and lethal end. On second thought (Dostoyevsky's second thought), the killing may have a different and simpler source—family solidarity. A university dropout, unable to meet his tuition payments, Raskolnikov, alienated and desperate, has been guiltily taking money from his adoring mother and sister in the provinces. At home, there is crisis: Dunya, his sister, has been expelled from her position as governess in the Svidrigailov household, where the debauched husband and father had been making lecherous advances. To escape disgrace and to ease her family's poverty, but chiefly to secure a backer for her brother's career, Dunya becomes engaged to a rich and contemptible Petersburg bureaucrat. In this version of Raskolnikov's intent, it is to save his sister from a self-sacrificial marriage that he robs the old woman and pounds her to death.

Dostoyevsky will hurry the stealing-for-sustenance thesis out of sight quickly enough. By the close of the novel, it seems almost forgotten and surely marginal—not only because Raskolnikov hides the stolen money and valuables and never touches them again but because such an obvious material reason is less shattering than what Dostoyevsky will soon disclose. He will goad Raskolnikov



to a tempestuousness even beyond nihilism. Beyond nihilism lies pure violence—violence for its own sake, without the vindication of a superior future. The business of revolution is only to demolish, the anarchist theorist and agitator Mikhail Bakunin once declared. But in Raskolnikov's newest stand not even this extremist position is enough:

Then I realized . . . that power is given only to the one who dares to reach down and take it. Here there is one thing, one thing only: one has only to dare! . . . I

wanted to dare, and I killed . . . that's the whole reason! . . . I wanted to kill without casuistry . . . to kill for myself, for myself alone! I didn't want to lie about it even to myself! It was not to help my mother that I killed—nonsense! I did not kill so that, having obtained means and power, I could become a benefactor of mankind. Nonsense! . . . And it was not money above all that I wanted when I killed . . . I wanted to find out then, and find out quickly, whether I was a louse like all the rest, or a man? . . . Would I dare to reach down and take, or not?

A rapid shuttling of motives, one overtaking another: family reasons, societal reasons, altruism, utilitarianism, socialism, nihilism, raw Napoleonic domination. Generations of readers have been mystified by this plethora of incitements and explanations. Why so many? One critic, Mikhail Bakhtin, analyzing Dostoyevsky's frequent ellipses and the back-and-forth interior dialogue of characters disputing with themselves—each encompassing multiple points of view—concludes that Dostoyevsky was the inventor of a new "multivoice" genre, which Bakhtin calls the "polyphonic novel." Some simply assume that Dostoyevsky changed his mind as he went along, and since he was unable to revise what was already in print—the novel appeared in installments written against deadlines—he was compelled to stitch up the loose ends afterward as best he could. (If true, this would leave most serious Dostoyevsky scholars of the past century with egg on their faces.)

A British academic, A. D. Nuttall, offers a psychiatric solution: Raskolnikov is in a state of self-hypnotic schizophrenia. Walter Kaufmann invokes existentialism, drawing Dostoyevsky into Nietzsche's and Kierkegaard's web. Freud speculates that Dostoyevsky expresses "sympathy by identification" with criminals as a result of an Oedipal revolt against his father. Harold Bloom, sailing over Raskolnikov's inconsistencies, sees in him an apocalyptic figure, "a powerful representation of the will demonized by its own strength." "The best of all murder stories," Bloom says, "'Crime and Punishment' seems to me beyond praise and beyond affection." For Vladimir Nabokov, on the other hand, the novel is beyond contempt: he knew even in his teens that it was "long-winded, terribly sentimental, and badly written." As for Dostoyevsky's religion, it is a "special lurid brand of the Christian faith." "I am very eager to debunk Dostoyevsky," Nabokov assures us.

Is this a case of the blind men and the

elephant, or of the novel as Rorschach test? There is something indeterminate in all these tumbling alternatives—in Raskolnikov's changing theories, in the critics' clashing responses. Still, all of them taken together make plain what it is that Dostoyevsky's novel turns out not to be. It is not, after all, a single-minded polemical tract fulminating against every nineteenth-century radical movement in sight—though parts of it may pass for that. It is not a detective thriller, despite its introduction of Porfiry, a crafty, nimble-tongued, penetratingly intuitive police investigator. It is not a social-protest novel, though it retains clear vestiges of an abandoned earlier work on alcoholism and poverty in the forlorn Marmeladovs, whom Raskolnikov befriends: drunken husband, unbalanced, tubercular wife, daughter driven to prostitution.

And it is not even much of what it has often been praised for being—a “psychological” novel—notwithstanding a startling stab, now and then, into the marrow of a mind. George Eliot is what we mean, in literature, by psychological; among the moderns Proust, Joyce, and James. Dostoyevsky is not psychological in the sense of understanding and portraying familiar human nature. “Crime and Punishment” is in exile from human nature—like the deeply eccentric “Notes from Underground,” which precedes it. The underground man, Raskolnikov's indispensable precursor, revels in the corrupt will to seek out extreme and horrible acts, which gladden him with their “shameful accursed sweetness.” But Raskolnikov will in time feel suffocated by the mental anguish that dogs his crime. Suspicions close in on him; a room in a police station seems no bigger than a cupboard. And soon suffering criminality will put on the radiant robes of transcendence. Led by the saintly Sonya Marmeladova, who has turned harlot to support her destitute relations, Raskolnikov looks at last to God. The nihilist, the insolent Napoleon, is all at once redeemed—implausibly, abruptly—by a single recitation from the Gospels, and goes off, docile and remorseful, to serve out his sentence in Siberia.

Nabokov gleefully mocks Dostoyevsky's sentimental conventions: “I do not like this trick his characters have of ‘sinning their way to Jesus.’” But Dostoyevsky sees no treacle, and surely no fault, in the idea of redemption through suffering. It



came to be the bulwark of his credo. He believed in spiritual salvation. He had been intimate with thieves and cut-throats; he had lived among criminals; he himself had been punished as a criminal. Even as he was writing “Crime and Punishment,” he was under the continuing surveillance of the secret police.

The secret police, however, are not this novel's secret. Neither are the ukases and explosives of that czarist twilight. Murder and degradation; perversity, distortion, paralysis, abnormal excitation, lightning conversion; dive after dive into fits of madness (Raskolnikov, his mother, Svidrigailov, Katerina Marmeladova); a great imperial city wintry in tone, huddled, frozen in place, closeted, all in the heart of summertime—these are not the usual characteristics of a work dedicated to political repudiations. “Crime and Punishment” is something else—something beyond what Dostoyevsky may have plotted and what the scholars habitually attend to. Its strangeness is that of a galloping centaur pulling a droshky

crowded with groaning souls; or else it is a phantasmagoria, confined, churning, stuttering. Petersburg itself has the enclosed yet chaotic quality of a perpetual dusk, a town of riverbank and sky, taverns, tiny apartments cut up into rented cabins and cells, mazy alleys, narrow stairways, drunks, beggars, peddlers, be-draggled students, street musicians, whores—all darkened and smudged, as if the whole of the city were buried in a cellar, or in hell.

This irresistible deformation of commonly predictable experience is what fires Dostoyevsky's genius. Nabokov dislikes that genius (I dislike it, too) because its language is a wilderness and there are woeful pockets of obscurantist venom at its center. But in the end “Crime and Punishment” is anything but a manifesto. Citizenly rebuttal is far from its delirious art. In the fever of his imagining, it is not the radicals whom Dostoyevsky finally rebukes but the Devil himself, the master of sin, an unconquerable principality pitted against God. ♦

THE POLITICAL SCENE

THE CRUSADER

As an assistant district attorney, Jeanine Ferris Pirro was right about the need to prosecute cases of child abuse. As one of New York's rising Republicans, is she now right about legislating indecency on the Internet?

BY JOHN HEILEMANN

JEANINE FERRIS PIRRO'S campaign to clean up the darker precincts of cyberspace began a little more than two years ago, when she found herself faced with an old-fashioned menace in an unfamiliar form. Pirro, a specialist in sex crimes, was then the newly elected district attorney for Westchester County. In fifteen years as a prosecutor, she'd seen a variety of child-molestation cases, but she had never come across one involving the Internet. Today, she holds the view that "a computer is the best weapon a pedophile can have."

In 1994, a fifty-one-year-old postal worker in Seattle named Alan Paul Barlow began swapping E-mail with a fourteen-year-old Mamaroneck girl he had met on America Online. The E-mail was transparently, if euphemistically, sexual. One message read, "I'm feeling really horny—I think Oscar is making a 'statement.' We both want you very much. I'm thinking about you, & he's thinking about Love Bunny & tingling like mad." After a few months, Barlow persuaded the girl to let him visit her. He booked a motel room and flew to New York, but the next day the girl's mother, by sheer chance, spotted her daughter with him in a local mall and called the cops. Barlow was arrested, and investigators found evidence that he had been E-mailing teen-agers in several states and using regular mail to send semen samples to one girl and pictures of his penis to others.

Yet Pirro's options were limited. Barlow hadn't done anything untoward with the Westchester girl, and there was no law against smutty E-mail. Pirro concluded that the most serious charge she could bring against him was "endanger-

ing the welfare of a child"—a misdemeanor. Barlow returned to Seattle and pleaded guilty to another crime—statutory rape. He also pleaded guilty in the Westchester misdemeanor case, for which he was sentenced to one year, to run concurrently with the Washington State sentence.

For Pirro, however, the Barlow case was far from closed. Angered by what she saw as a failure of the law to keep pace with technology, she proposed that New York's penal code be amended, to make it a felony to have indecent communications with a minor on a computer network. The idea was picked up and tinkered with by a Republican state senator. Pirro, who is also a Republican, lobbied vociferously for the bill, arguing that cyberspace had opened a dangerous new avenue for "freaks" to prey on children—one that allows them to seduce their victims electronically and anonymously, "setting the stage so that future contact and molestation is inevitable." She urged legislators—and her friend Governor George Pataki—to ignore those who opposed the change on free-speech grounds. The bill was finally enacted last November. "Some of my own staff people had real questions about this," Pataki told me recently. "If it wasn't for Jeanine, I don't think we'd have this legislation."

Pirro's victory in New York is a signal episode in a larger drama. In the past few years, the arrival of the Internet as a pervasive fact of modern life has aggravated anxieties about children, sex, and technology. At first, those anxieties focussed mainly on pornography—on the fear that kids would encounter a sort of pre-Disney virtual Times Square. But

lately the focus has widened from cyberporn to cyberpredation. Increasingly, Pirro's warnings are being echoed by law-enforcement officials around the country, including Attorney General Janet Reno, who has declared, "We are not going to allow pedophiles to hide behind computer keyboards." Newspapers have run numerous stories about "cyberstalkers" and "cybersex fiends" using on-line chats to lure victims into off-line rendezvous.

The political reaction to all this has been swift. In state after state, and also at the federal level—Congress last year passed the Communications Decency Act—lawmakers have enacted measures to shield minors from "prurient" or "harmful" or "patently offensive" images and talk on the Internet. And those measures have drawn sharp criticism and court challenges from civil libertarians, library associations, and on-line firms, all of whom argue that the laws are unworkable, unnecessary, and flagrantly unconstitutional. Norman Siegel, the executive director of the New York Civil Liberties Union, announced in January that his organization had filed suit to block Pirro's reform, on the ground that it would reduce all on-line communications between adults "to the levels acceptable for a six-year-old."

Pirro doesn't fit the profile of a technophobic, sex-hating censor. At forty-five, she is rather glamorous, favors short skirts, and is prone to outbursts of profanity. ("Are you going to quote me swearing?" she asks. "Oh, shit!") Unlike many people who share her cause, she never suggests that the Internet is little more than a vast sewer; and, because she has a daughter who goes on-line, she

PHOTOGRAPH BY HELMUT NEWTON



Pirro in her Westchester County office: "Our children are being handed to pedophiles."

knows that the porn that is there doesn't come flooding onto the screen unbidden. There is, in short, no prudish or neo-Luddite strain in Pirro's advocacy—only a fierce desire to protect minors. "I'm not looking to cut back on information or communication between consenting adults," she insists. Telegenic, articulate, and a politically ambitious firebrand, Pirro gives voice to the proposition that when children are—or appear to be—at risk, all other considerations should be put aside. As she puts it, "My mission is alerting people that our children are being handed to pedophiles on a pedestal because the courts are claiming that everything is protected by the First Amendment."

ON a bitter, windy Saturday last month, I visited Pirro in suburban Harrison, where she lives with her husband, Albert, and their two children in a grand Italianate house filled with terra-cotta-hued marble. (They also have a vacation home in Florida.) Al Pirro, a handsome man with slicked-back hair graying at the temples, is considered the county's most powerful real-estate attorney—he serves as Donald Trump's counsellor in Westchester—and is one of the state G.O.P.'s richest sources of cash. As his wife's career has taken flight, though, his business dealings have come under increasing—and rarely flattering—scrutiny. Recently, he was accused of bribery by a former Yonkers official imprisoned on a separate bribery charge—an allegation that Pirro denies and that has been investigated before, to no effect.

On this particular day, Jeanine Pirro was busy making preparations for a dinner party for a few dozen guests, including Governor Pataki and his wife, Libby. As florists and cleaners streamed in and out and Fleetwood Mac chimed over the sound system, Pirro, wearing jeans and a purple sweater, stood in the center of the living room, fussing over linen tablecloths and setting out ruby-red and royal-blue goblets. In a voice expressing utter satisfaction, she announced, "I love—love—to entertain."

I asked Pirro for a tour of the house, and she happily complied. "We designed this house, we built this house, we decorated this house," she said, recounting how she and Al and their architect had

AFTER MY ARREST

among the everyday
pieces lost
a bright pink Indian cotton shirt

worn through months of
nursing, quickly unbuttoned
to bring the rooting baby to my breast
her head in its
soft, filmy folds

set adrift among the debris
of police searches, overturned lives
tossed into a pile of orphaned clothes
and taken to a tag sale

where my friend,
recognizing it,
bought it
to keep me close

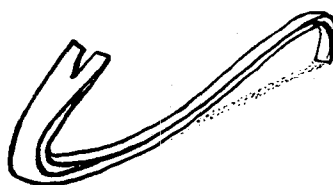
and wore it one day
to bring my daughter for a visit,
greeting me cheerfully,
"Remember this?"

and I laughed,
scooping up my baby
to carry her into the toy-filled playroom
where she rode me, her horsey
among the oversized stuffed animals
until visiting hours were over

when I stood at that great divide,
the visitor's exit gate,
and watched my shirt and my child
leave
with my friend

—JUDITH CLARK

travelled to Italy to pick out the marble. "It was like giving birth." We walked downstairs, past the bedroom where the help sleep, past the wine cellar, and into a well-equipped exercise studio. Pirro was pointing to an antique desk she was looking forward to restoring; at that moment, a black poodle bounded into the room and lifted its leg at a corner of the



desk. Pirro screamed, but her pique was short-lived. She is an animal-lover: she has four dogs, two birds, a gerbil, and a pair of hundred-and-eighty-pound Vietnamese potbellied pigs, which live in a wooden hut in the back yard, not far from the swimming pool.

Pirro's schedule does not afford her much time at home, however. She is a notoriously hard worker, rising every morning at six o'clock to exercise and then often spending twelve-hour days in her White Plains office. She is tiny and fit, with a mass of black hair that sometimes makes her head seem too big for

her body. She has the metabolism of a speed freak, and she eats constantly—mainly sugar. One afternoon, in the middle of a breaking homicide investigation, Pirro's secretary dropped on her boss's desk two packets of red Twizzlers, two boxes of Chuckles, a box of Hot Tamales, and a roll of Necco Wafers, and within two hours Pirro had polished off the lot of it. To a position still occupied mostly by men in pinstripes, she brings the flash of designer suits and funky shoes. (She keeps a pair of black pumps under her desk, "in case something serious happens.")

Pirro's march to this position was notably free of both doubts and detours. Growing up in Elmira, New York, she knew by the time she was six that she wanted to be a lawyer; by the time she was fifteen, and was doing volunteer work in the local D.A.'s office, she had decided to become a prosecutor. After graduating from the University of Buffalo, she went on to Albany Law School; she met her future husband there, eventually following him to Westchester, where he had grown up. There she landed a job as an assistant district attorney and soon found herself obsessed with cases of spousal and child abuse—cases that shocked her, both because they were so brutal and because the criminal-justice system was so ill-equipped to cope with them. In 1977, Pirro learned that the Carter Administration was about to make funds available to a handful of D.A.'s offices to open bureaus dedicated to prosecuting domestic-violence cases. Though she had been in her job only two years and was still a mere twenty-six, she persuaded Carl Vergari, who was then the district attorney, to bid for the funds and let her run the bureau when he got them.

At the start, Pirro's domestic-violence unit—one of the first four such units in the nation—encountered profound in-

stitutional and social resistance. "Juries didn't think that parents should be prosecuted for abusing a child," she says. "The thinking at the time was that children would be better off with their parents, even if their parents were abusive. In one case, a judge told me that a parent would never—*could* never—intentionally kill his or her own child." And those attitudes were reflected in the penal code, which held that cases of spousal and child abuse should be handled in civil, rather than criminal, court. Pirro recalls, "I would go into court with a battered woman, and there were judges who would call me out of court, and they'd tell me, 'Get that case out of here. It doesn't belong in a courtroom.' They'd tell me to take it to family court. But the purpose of family court in 1978 was to keep families together, and it made no sense to me that you would want to keep the family together when he's beating her."

Charlotte A. Watson, who is the executive director of My Sisters' Place, a center for battered women in New York, says of Pirro, "Lots of people today think that she's trading on a politically popular issue, but when she started, it wasn't so. People who were doing this work

were under attack by much of the public. We were called antifamily, man-hating, castrating, ball-busting lesbians. Helping battered women was very difficult work to do when the whole country was in denial."

In 1977, Pirro wrote an amendment to the penal code which allowed abuse victims to choose between family court and criminal court. In 1984, as part of a government commission, she worked to eliminate the requirement that a child's testimony of molestation be corroborated to prove guilt. Over the course of the decade, Pirro's unit prosecuted hundreds of cases, and Pirro achieved a remarkable hundred-per-cent conviction rate on those cases she took to trial. To some of her critics, that record seems a bit too remarkable. "Great prosecutors have great records, but never perfect ones," says a former prosecutor. "A perfect record is a sure sign that she tried only the easiest cases." On the other hand, it may be a sign that Pirro refrained from engaging in the witch-hunts that were conducted by many D.A.s as child molestation became the source of sporadic outbreaks of hysteria.

In 1993, Vergari unexpectedly announced his retirement after twenty-five



"Recess is over, Your Honor."

years as district attorney, giving Pirro, by then a county-court judge, a chance to seek the office she had always coveted. The campaign, which featured the two most celebrated political consultants of the moment—Arthur Finkelstein for Pirro and Dick Morris for her opponent, Michael Cherkasky—was nasty. Cherkasky had been a prosecutor in the Manhattan district attorney's office, and, according to news reports, had long suspected Al Pirro of being connected to organized crime. Guided by Morris, he sought to tar his opponent with that brush. He accused her of having taken money from sources with Mafia ties; one of his ads proclaimed "The Mob, the crooks are with Jeanine Pirro." But Pirro, with huge advantages in name recognition and in cash, won easily.

On Pirro's first day in office, the newspaper heiress Anne Scripps Douglas was found bludgeoned in Bronxville, and Pirro ran the nationally publicized man-hunt. She chaired the criminal-justice section of Pataki's transition team, and has been one of the Governor's most vocal supporters on the issue of capital punishment. And her camera-ready expertise about sensational legal cases has made her a welcome guest on television talk shows. One day when I was visiting her office, she was invited by Maury Povich to talk about the JonBenet Ramsey murder case and by Montel Williams to hold forth on date rape. She turned them both down, preferring to have her press aide phone Geraldo Rivera's producers and propose that she talk about the Ramsey case on his live show. During the first O. J. Simpson trial, Pirro says, she "practically lived" on the Geraldo set. That night, she took her place next to Rivera, and soon the two of them had dealt with the Ramsey case and moved on to Simpson's civil trial, with Pirro issuing a series of perfect sound bites, studded with shards of Simpson argot—"the 911 tapes," "the nolo contendere." But when Rivera told Pirro during a commercial that the next topic would be the ethical travails of Bill Clinton and Newt Gingrich, she excused herself and left. "Politics isn't my thing," she said on her way out.

Pirro's reluctance to engage in public discussion of high politics sits beside her own evident ambition for higher office.

She is up for reelection this year, but already there is speculation about the campaign after that. Pirro's Republicanism is woefully ill-defined. On crime, for example, she is very conservative, except when she isn't. (She favors midnight basketball and the Brady bill.) But she is a political natural—an effective speaker with tireless energy. Through her husband, Pirro has access to serious money, and she has the profile that Finkelstein might argue is ideal for running statewide in New York: she is a pro-choice Catholic from downstate. It is often speculated that Pataki plans to ask her to replace Elizabeth McCaughey Ross as lieutenant governor on the next Republican ticket.

Pirro hesitates to talk about all this, but her husband doesn't display even perfunctory reticence. While he may be, in a way, his wife's most glaring political handicap, he has also been crucial to her ascendancy. He counts himself among Pataki's most generous supporters, and he freely admits that one of the aims of his involvement in politics has been to further his wife's ambitions.

"I think that *today* Jeanine is a political candidate for higher office statewide—she has that stature," he told me one morning in his office, in White Plains. When I asked if his wife wanted to be lieutenant governor, he said that he wasn't sure but that "a lot depends on what Governor Pataki intends to do." He then said that he was "absolutely" certain that his friend the Governor would run for President in the year 2000—a decision that would create a "clear shot for whoever is lieutenant governor to run for governor." I asked whether this was a chain of events that his wife was contemplating. After a long pause, he answered, "I think it's something that any potential lieutenant governor would have to consider."

I MET Jeanine Pirro for lunch one January day in a restaurant in Palm Beach, a few miles from the gated community in which she and her husband maintain their vacation home. In a pink-and-white striped linen suit and black high heels, with a pair of slightly retro plastic-framed sunglasses perched in her hair, she looked every inch the snowbird socialite. Yet she spoke with earnestness

and intensity about her job, which she described as being "basically about good and evil." As we ate, she rattled off details of a series of unspeakably awful child-abuse cases. It occurred to me that, with so many aspects of the law and of law enforcement so messy and so opaque, one of the few blessings in dealing with such cases was their moral clarity. I asked Pirro about this, and she reminded me of how hard it had been to break down the denial that existed for so long about even the possibility of molestation. "When you say that the law is opaque, it's not the law—it's society, it's our morality," she said. "And now people are using the Internet and the First Amendment as an excuse to allow pedophiles to molest kids. It's just the same plight in a different arena."

Pirro sees cyberspace as the new frontier in child abuse. In her view, the Internet provides pedophiles with a uniquely invasive form of access to children. "It's not about a weirdo freak in the park with a trenchcoat on, or some strange guy in the video arcade," she said. "With a computer, he can make contact anonymously, hide his age, and establish a trust relationship, and that allows him to arrange to meet his victim and then molest this child in a very easy way."

The scenario Pirro sketches is not a fantasy, as the Barlow case and others like it have demonstrated. Since 1994,

ARNO'S ANTICS

By the mid-thirties, Peter Arno's ten-watt blondes, lecherous tycoons, and wisecracking dowagers were as familiar as Fred Astaire's top hat and as comforting as Nick and Nora's Martinis. And the fantasy world they inhabited, like that of their counterparts, was a powerful analgesic against the realities of the lingering Depression. In this cover from 1937, a classic second-story man, complete with broken nose and cauliflower ear, is frozen in mid-heist by an apparition in curlers and a sleep mask. The predictability of the punch line is part of the fun. She screams. The cops rush in. And Lefty is led off in bracelets to the hoosegow muttering "Cripes! Dames is nothin' but trouble."

PETER ARNO

Oct. 16, 1937

THE

Price 15 cents

NEW YORKER





"You look familiar. Jail?"

the Federal Bureau of Investigation has been conducting an elaborate on-line sting operation called Innocent Images. Aimed mainly at people trading in child pornography, the operation has also targeted pedophiles (not surprisingly, the two groups overlap), through agents posing as young teen-agers and letting adults engage them in incriminating conversations, followed by real-world meetings. Local police and prosecutors have adopted similar tactics, which have yielded some arrests and a wealth of headlines, such as the *Post's* "D.A. SPRINGS CYBERSEX TRAP ON CHAT-ROOM PERVERT."

Yet most criminologists and child-abuse experts maintain that the Internet does not present as acute a danger as Pirro and others in law enforcement contend. "Some perspective, and some sense of proportion, is in order," Ernie Allen, the president of the National Center for Missing and Exploited Children, in Arlington, Virginia, says. Allen, whose organization works closely with law-enforcement agencies and with victims'

families on child-abuse and abduction cases, acknowledges that "if you go on-line and pretend you're a thirteen-year-old girl, it is amazing—the response is immediate, graphic, and totally inappropriate." Yet Allen argues that the computer isn't an especially effective tool for pedophiles seeking to turn talk into action. "There isn't that eye-to-eye contact," he says, "and it's far more likely that geography will be a barrier. The person that the kid in New York is communicating with on-line may be in Boise, Idaho, or in the Czech Republic." According to estimates by the center, in the past two years there have been a total of somewhere between sixty and seventy documented cases of children, including teen-agers, being lured into sex by adults on-line. Buttressing that estimate, Robert J. Flores, an attorney in the criminal division of the Department of Justice and its point man on child-exploitation cases, says that of approximately two hundred and forty cases yielded so far by Innocent Images, probably only two or

three per cent involve the actual enticing of minors into sex (as opposed to the on-line transmission of child pornography).

When I reported these numbers to Pirro, she responded that they were "too naïve." She pointed out that when she first started prosecuting child- and spousal-abuse cases, the few statistics available underreported those crimes dramatically. She said that a lack of manpower, money, and computer expertise makes it difficult for police and prosecutors to search for pedophiles on-line, let alone find them. And she argued that, considering the explosive growth of the Internet, the problem is bound to "multiply by a hundred or a thousand every day."

In the current climate, the precise scope of the problem may be beside the point. An estimated million children go missing each year, but only those who run away to join their "cybersweeties" seem to merit mention in the *Post*. "These cases of child seduction are real," Mike Godwin,

a staff attorney at the Electronic Frontier Foundation, which lobbies for civil liberties in cyberspace, told me. "But we've reached the point where if you point out that the cases are incredibly rare—far rarer than in the 'real' world, and far easier for children to avoid—you immediately hear 'Even one victim is too many.' And when you're talking about a threat to children, it goes straight to the gut. You find yourself thinking reactively, before you can consider the nature of the threat. You forget that these people can't reach through the monitor and grab your kids."

MANY of Pirro's proposals for countering the perceived threat of pedophiles on the Internet are unexceptionable. Citing the achievements of her own office, which employs two "computer savvy" assistant district attorneys to handle such cases, she says that police and prosecutors must join the information age. She stresses the importance of sting operations like Innocent Images.

And she hammers away at the need to enforce vigorously in the virtual realm the laws—especially those against child pornography—that already obtain in the physical one. Few high-tech firms or civil libertarians disagree with her. Indeed, on-line companies, led by America Online, the biggest service in the industry, have not only coöperated extensively with the F.B.I. on Innocent Images but also developed stringent “blocking” software, which allows parents to determine which quadrants of the Internet their children are free to roam in and from whom they can receive E-mail.

Nevertheless, if there are substantial areas of agreement in the debate, there is also one area of bitter dispute: the question of whether new laws are needed. To Pirro, the Barlow case is conclusive proof of that need. “It was clear that there was no statute that specifically anticipated or covered this kind of behavior, because nobody had conjured up this kind of crime,” she says. Of course, there are laws on the books against soliciting sex with a minor, travelling across state lines to have sex with a minor, and so forth, and most legal experts agree that those laws should, and do, apply to communications on the Internet as readily as to telephone conversations or letters sent in the mail. Nobody—not even the A.C.L.U.—disputes the provision in the New York law which makes it a felony to transmit indecent material on-line that “importunes, invites, or induces” a child into sex. What the opponents of the law have challenged is its main plank, which makes it a felony to have indecent communications with a child on the Internet regardless of intent or outcome.

Pirro sees this provision as essential for shielding children from being seduced; Alan Paul Barlow’s E-mail was lewd and suggestive, she points out, but it isn’t clear that he could have been convicted under the new law’s “luring” section. As a means of protecting kids from pedophiles, however, banning indecent speech on-line is a questionable tactic. For one thing, to quote Godwin, “If you’re trying to lure an eight-year-old, you don’t say, ‘Come over here and give me fellatio.’ You say, ‘Come over here and have an ice-cream cone.’ You can’t protect kids against that with a ban on indecent speech. The way to protect kids

is to tell them the same thing your parents told you: Don’t talk to strangers.” Such a ban can also create awkward legal anomalies. Ken Citarella, who is one of Pirro’s cybercrimes specialists, allows that under the New York law a conversation that would be at most a misdemeanor if it occurred on the telephone—murmurings about Oscar and Love Bunny, say—becomes a felony if it takes place by E-mail. Moreover, under the state’s revised penal code it may now be a more serious crime for an adult to have a suggestive on-line chat with a fourteen-year-old girl than to have sex with her.

A larger difficulty with the New York law, as with similar laws passed in other states and with the Communications Decency Act, is that they present serious constitutional problems. In trying to shield children from pedophiles and pornographers, such laws, intentionally or not, appear to criminalize a range of adult speech that isn’t obscene, or luring, and isn’t even aimed at children. The Internet is an anonymous medium, in which nobody can be certain of anybody else’s age, and in which most “speakers”—whether in Web sites, bulletin boards, or chat rooms—have no way of restricting access for minors even if they wanted to. Under these circumstances, the only way to avoid the risk of sending sexually explicit material to children is to avoid posting any sexually explicit material at all.

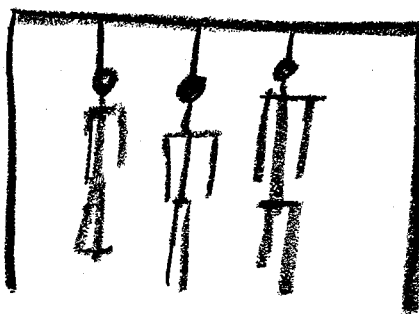
In Philadelphia last year, these arguments led a panel of three federal judges to rule that the Communications Decency Act was, on its face, unconstitutional. In March, the Supreme Court will hear the case, and, given the similarities between the federal act and the New York law, if the Court upholds the panel’s ruling, the precedent will probably doom Pirro’s reform.

Yet Pirro remains determined. When she first applied for a job in the office

she now runs, her interviewer jotted in his notes that she was “hardline,” and the characterization still applies. Though usually her complaints are aimed at too generous readings of the Fourth Amendment, concerning search and seizure, and not of the First, the courts, she believes, are all too fond of using technicalities to bind the hands of law enforcement. She thinks that the state’s on-line-indecency provision is constitutional, and if the courts conclude otherwise the state can try a different approach. “The First Amendment is alive and well,” she says. “It can coexist with the protection of children.”

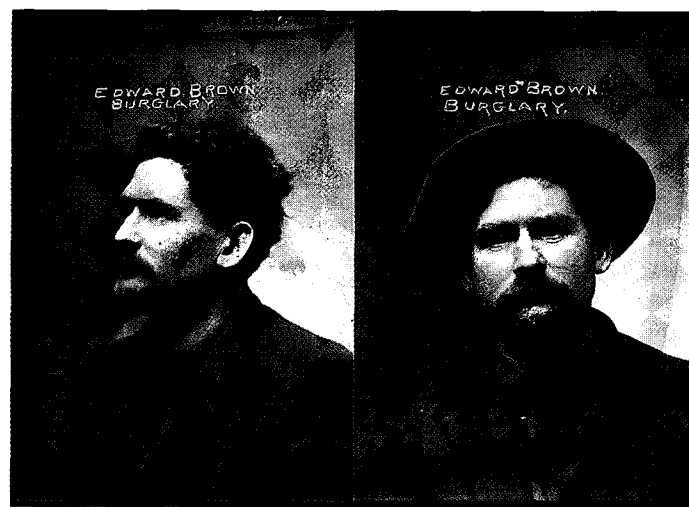
Pirro could soon find herself fighting these battles in a wider arena. She has been approached by fellow-Republicans about running for the United States Senate, but an offer to join Pataki’s ticket as lieutenant governor is much more likely. The narrowness of her interests and the controversy over her husband might seem to make Pirro a less than ideal running mate, yet Pataki is boundless in his praise for her. “She’s brilliant, she’s tough, she’s extremely articulate, and she has all the skills needed for higher office,” the Governor told me. “I don’t know if she’ll want to do that, but if she does I wouldn’t want to be in her way.”

The potential that Pataki sees in Pirro owes much to her grasp of and empathy with the suburban concerns that are central to politics these days, and especially to the politics of crime. Pirro knows that her arguments earn her no favor with the on-line elite. And she knows that her critics call her everything from a “hubristic zealot,” in the words of one Democrat, to “Big Mommy,” in the words of Nadine Strossen, the president of the A.C.L.U. Yet zeal and a certain maternalism are qualities that have served Pirro well, and she isn’t about to abandon them now. She is, fundamentally, a politician who not only is attentive to the assumptions and anxieties of her constituents but genuinely shares them. As for what her critics say, she has heard it all before. “In 1978, I was constantly trying to justify my involvement in domestic violence and child abuse,” she says. “You think I need to do that today? I don’t know a politician who isn’t ready to jump on that bandwagon. Times change. But that’s what being on the cutting edge is all about.” ♦





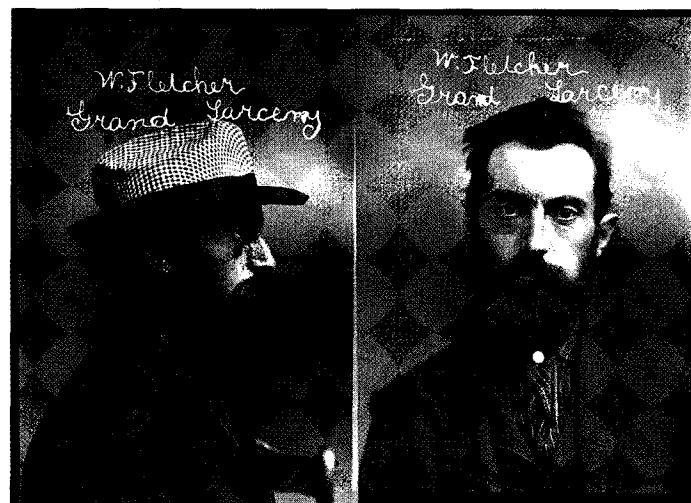
SIXTY DAYS *"Stole a package of clothing belonging to Isaac Richards at the Golden Eagle Hotel yesterday, pleaded guilty of petit larceny in the Police Court this morning and Judge Raish sentenced him to serve sixty days in the County Jail. Part of the goods were recovered and returned."*



STRANGER UNDER ARREST *"Accused of entering Mock's livery stable last night and breaking into a locker, from which he took an overcoat. . . . He put the overcoat on and wore it until the owner discovered him and took it away. . . . Was sentenced by Judge McDaniel to serve one year in Folsom."*



COCK AND BULL STORY *The fourteen-year-old "cigarette fiend" shot and robbed a man who, he claimed, had "attempted to commit a crime against nature upon him." The jury believed him, but he still got sixteen years (he was paroled in four and a half); his story was later proved false.*



STOLE BICYCLES *"Folsom Prison Record—Date: November 10, 1902. Crime: Grand Larceny. Term: 2 Years. Nativity: New York. Age: 40. Occupation: Carpenter. Height: 5' 7". Complexion: Fair/Ruddy. Eyes: Blue. Hair: Light Brown. Discharge Date: June 20, 1904."*

ROGUES' GALLERY

FINAL FURLOUGH

ARNE SVENSON encountered his first prisoner three years ago, in an antique shop in San Rafael, California. The man, identified only as "John Fleming, Petit Larceny," stared at him spectrally from a glass-plate negative propped up in a dark cabinet. Svenson, a photographer, stared back, then asked what the story was. "The dealer's aged aunt had seen these plates in a building that was being torn down," Svenson recounts. "Little boys were throwing stones

at the glass faces. The dealer had fifteen hundred negatives in a truck in a field in Petaluma. My sister and I went up there—it was about thirty degrees in the fog—and we sat in the back of this truck and looked at the negatives until our hands were bleeding from the edges of the glass."

Svenson bought up the plates, and upon developing his first print—at home, in New York—he realized he had crossed his Rubicon: he couldn't let these silent prisoners' provenance remain a mystery. Inquiries took him to the gold-rush town of Marysville—the aunt's home—and there he learned that the photographer was one Clara S. Smith, an admired local portraitist, whose city contract to record new arrests lasted from 1900 through 1908, and

whose studio, in the Odd Fellows Hall, was a short shuffle from the police house.

Sequestered for uncounted hours with bound volumes of the Marysville *Daily Democrat* and *Daily Appeal* in the Yuba County Library, Svenson unearthed the stories (including the ones quoted here) of these sad-looking, mostly itinerant men. Blast Books is bringing out a selection of them in the fall. Svenson prefers not to speculate on "my guys," as he calls them. "I'm creating lives for them defined by their crimes," he says. "That's all I can do—that's all I have. If their crimes become their definitions, so be it." In his view, giving these ragged men back their histories is a way of setting them free. —ANDREW LONG

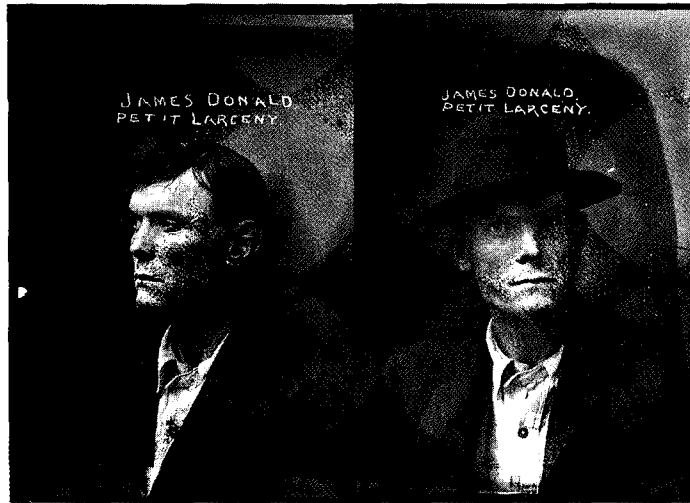
ARNE SVENSON © 1997



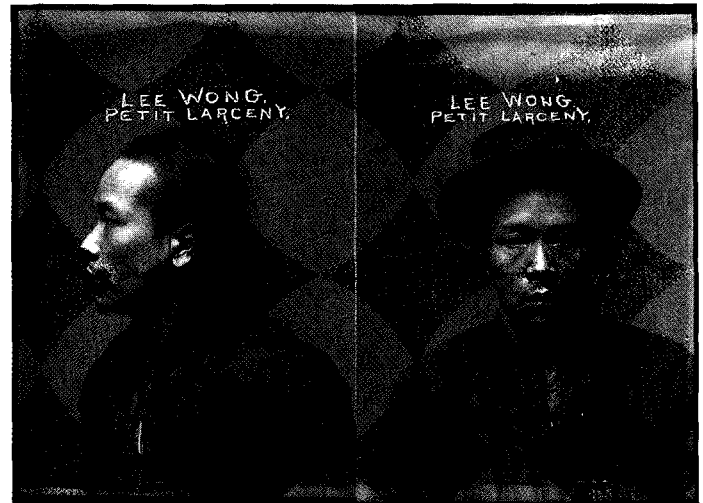
STOOD OFF OFFICERS Brown had been drinking, and he resisted arrest. "The negro refused to surrender unless shown a star or other warrant of arrest. . . . While backing across D street he ran into Officer Single, who tapped him on the shoulder with his club and brought him to time."



STEALING A COAT "Convicted of petit larceny in the Police Court yesterday morning and waiving time was ordered to be confined in the county jail for 5 months. There were three charges against him, but he was tried for stealing a coat from Powell bros."



POSITIVE PROOF LACKING "Will be charged if evidence can be found to prove that the pile of second-hand grain sacks in his possession was unlawfully obtained. . . . This morning James Donald pleaded guilty, admitting that he stole twenty-four grain sacks from the Buckeye Mills."



CHINAMAN UNDER ARREST "Stole the Purse of a Dissolute Woman. Lee Wong, accused by Violet Powell, a woman of the half-world, with stealing her purse, containing \$4.50 and a beer check. . . . Was found guilty of the charge and was sentenced to serve one year in Folsom prison."



ABOUT MIDNIGHT In the U.S. Hotel, Brunson shot himself and his amour, Ada Clark. They both lived. Brunson pleaded guilty and got two years in San Quentin. Upon release, he moved to Oroville, took up with a divorcée, Jessie Riley, and later shot her to death and committed suicide.



UNDER THE AGE "Accused of Having Assaulted Lulu Delponti Last June. Much Testimony as to the Exact Day of Her Birth—No Bible Record in Evidence." She denied saying that she was "going on 17 years." The defendant "was willing to marry the girl. . . . Not guilty."

CRIME AND SCIENCE

DAMAGED

*Why do some people turn into violent criminals?
New evidence suggests that it may all be in the brain.*

BY MALCOLM GLADWELL

ON the morning of November 18, 1996, Joseph Paul Franklin was led into Division 15 of the St. Louis County Courthouse, in Clayton, Missouri. He was wearing a pair of black high-top sneakers, an orange jumpsuit with short sleeves that showed off his prison biceps, and a pair of thick black-rimmed glasses. There were two guards behind him, two guards in front of him, and four more guards stationed around the courtroom, and as he walked into the room—or, rather, shuffled, since his feet were manacled—Franklin turned to one of them and said “Wassup?” in a loud, Southern-accented voice. Then he sat down between his attorneys and stared straight ahead at the judge, completely still except for his left leg, which bounced up and down in an unceasing nervous motion.

Joseph Franklin takes credit for shooting and paralyzing Larry Flynt, the publisher of *Hustler*, outside a Lawrenceville, Georgia, courthouse in March of 1978, apparently because Flynt had printed photographs of a racially mixed couple. Two years later, he says, he gunned down the civil-rights leader Vernon Jordan outside a Marriott in Fort Wayne, Indiana, tearing a hole in Jordan’s back the size of a fist. In the same period in the late seventies, as part of what he later described as a “mission” to rid America of blacks and Jews and of whites who like blacks and Jews, Franklin says that he robbed several banks, bombed a synagogue in Tennessee, killed two black men jogging with white women in Utah, shot a black man and a white woman coming out of a Pizza Hut in a suburb of Chattanooga, Tennessee, and on and on—a violent spree that may have spanned ten states and claimed close to twenty lives, and, following Franklin’s arrest, in 1980, earned him six consecutive life sentences.

Two years ago, while Franklin was

imprisoned in Marion Federal Penitentiary, in Illinois, he confessed to another crime. He was the one, he said, who had hidden in the bushes outside a synagogue in suburban St. Louis in the fall of 1977 and opened fire on a group of worshippers, killing forty-two-year-old Gerald Gordon. After the confession, the State of Missouri indicted him on one count of capital murder and two counts of assault. He was moved from Marion to the St. Louis County jail, and from there, on a sunny November morning last year, he was brought before Judge Robert Campbell, of the St. Louis County Circuit Court, so that it could be determined whether he was fit to stand trial—whether, in other words, embarking on a campaign to rid America of Jews and blacks was an act of evil or an act of illness.

The prosecution went first. On a television set at one side of the courtroom, two videotapes were shown—one of an interview with Franklin by a local news crew and the other of Franklin’s formal confession to the police. In both, he seems lucid and calm, patiently retracing how he planned and executed his attack on the synagogue. He explains that he bought the gun in a suburb of Dallas, answering a classified ad, so the purchase couldn’t be traced. He drove to the St. Louis area and registered at a Holiday Inn. He looked through the Yellow Pages to find the names of synagogues. He filed the serial number off his rifle and bought a guitar case to carry the rifle in. He bought a bicycle. He scouted out a spot near his chosen synagogue from which he could shoot without being seen. He parked his car in a nearby parking lot and rode his bicycle to the synagogue. He lay in wait in the bushes for several hours, until congregants started to emerge. He fired five shots. He rode the bicycle back to the parking lot, climbed into his car,

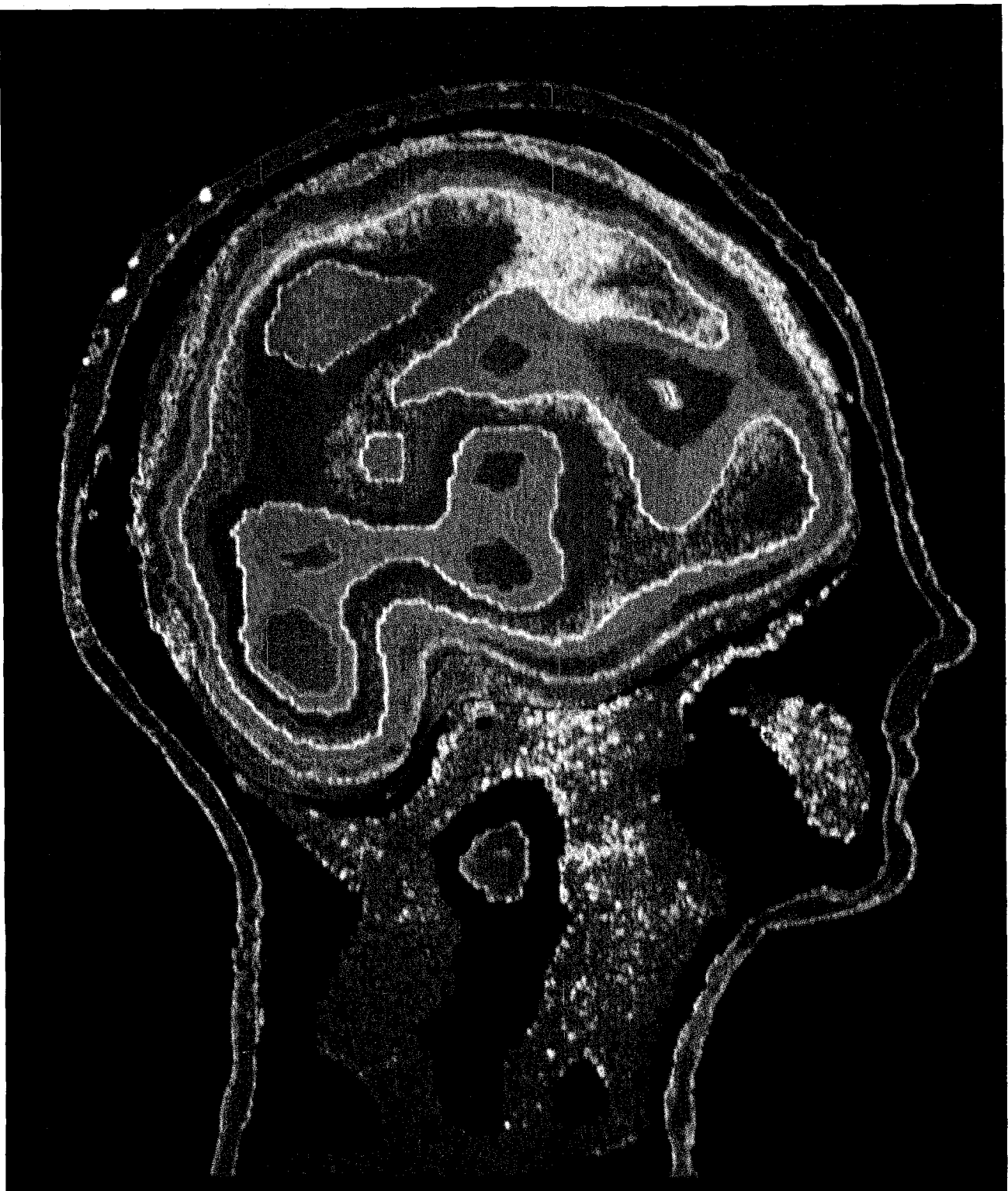
pulled out of the lot, checked his police scanner to see if he was being chased, then drove south, down I-55, back home toward Memphis.

In the interview with the news crew, Franklin answered every question, soberly and directly. He talked about his tattoos (“This one is the Grim Reaper. I got it in Dallas”) and his heroes (“One person I like is Howard Stern. I like his honesty”), and he respectfully disagreed with the media’s description of racially motivated crimes as “hate crimes,” since, he said, “every murder is committed out of hate.” In his confession to the police, after he detailed every step of the synagogue attack, Franklin was asked if there was anything he’d like to say. He stared thoughtfully over the top of his glasses. There was a long silence. “I can’t think of anything,” he answered. Then he was asked if he felt any remorse. There was another silence. “I can’t say that I do,” he said. He paused again, then added, “The only thing I’m sorry about is that it’s not legal.”

“What’s not legal?”

Franklin answered as if he’d just been asked the time of day: “Killing Jews.”

After a break for lunch, the defense called Dorothy Otnow Lewis, a psychiatrist at New York’s Bellevue Hospital and a professor at New York University School of Medicine. Over the past twenty years, Lewis has examined, by her own rough estimate, somewhere between a hundred and fifty and two hundred murderers. She was the defense’s only expert witness in the trial of Arthur Shawcross, the Rochester serial killer who strangled eleven prostitutes in the late eighties. She examined Joel Rifkin, the Long Island serial killer, and Mark David Chapman, who shot John Lennon—both for the defense. Once, in a Florida prison, she sat for hours talking with Ted Bundy. It was the day before his execution, and



Can brain-scan images be used to determine the roots of violence?

when they had finished Bundy bent down and kissed her cheek. "Bundy thought I was the only person who didn't want something from him," Lewis says. Frequently, Lewis works with Jonathan Pincus, a neurologist at Georgetown University. Lewis does the psychiatric examination; Pincus does the neurological examination. But Franklin put his foot down. He could tolerate being examined by a Jewish woman, evidently, but not

by a Jewish man. Lewis testified alone.

Lewis is a petite woman in her late fifties, with short dark hair and large, liquid brown eyes. She was wearing a green blazer and a black skirt with a gold necklace, and she was so dwarfed by the witness stand that from the back of the courtroom only her head was visible. Under direct examination she said that she had spoken with Franklin twice—once for six hours and once for less than half

an hour—and had concluded that he was a paranoid schizophrenic: a psychotic whose thinking was delusional and confused, a man wholly unfit to stand trial at this time. She talked of brutal physical abuse he had suffered as a child. She mentioned scars on his scalp from blows Franklin had told her were inflicted by his mother. She talked about his obsessive desire to be castrated, his grandiosity, his belief that he may have been Jew-

ish in an earlier life, his other bizarre statements and beliefs. At times, Lewis seemed nervous, her voice barely audible, but perhaps that was because Franklin was staring at her unblinkingly, his leg bouncing faster and faster under the table. After an hour, Lewis stepped down. She paused in front of Franklin and, ever the psychiatrist, suggested that when everything was over they should *talk*. Then she walked slowly through the courtroom, past the defense table and the guards, and out the door.

Later that day, on the plane home to New York City, Lewis worried aloud that she hadn't got her point across. Franklin, at least as he sat there in the courtroom, didn't *seem* insane. The following day, Franklin took the stand himself for two hours, during which he did his own psychiatric diagnosis, confessing to a few "minor neuroses," but not to being "stark raving mad," as he put it. Of the insanity defense, he told the court, "I think it is hogwash, to tell you the truth. I knew exactly what I was doing." During his testimony, Franklin called Lewis "a well-intentioned lady" who "seems to embellish her statements somewhat." Lewis seemed to sense that that was the impression she'd left: that she was overreaching, that she was some kind of caricature—liberal Jewish New York psychiatrist comes to Middle America to tell the locals to feel *sorry* for a murderer. Sure enough, a week later the Judge rejected Lewis's arguments and held Franklin competent to stand trial. But, flying back to New York, Lewis insisted that she wasn't making an ideological point of Franklin; rather, she was saying that she didn't feel that Franklin's brain worked the way brains are supposed to work—that he had identifiable biological and psychiatric problems that diminished his responsibility for his actions. "I just don't believe people are born evil," she said. "To my mind, that is mindless. Forensic psychiatrists tend to buy into the notion of evil. I felt that that's no explanation. The deed itself is bizarre, grotesque. But it's not evil. To my mind, evil bespeaks conscious control over something. Serial murderers are not in that category. They are driven by forces beyond their control."

The plane was in the air now. By some happy set of circumstances, Lewis had been bumped up to first class. She was sipping champagne. Her shoes were

off. "You know, when I was leaving our last interview, he sniffed me right here," she said, and she touched the back of her neck and flared her nostrils in mimicry of Franklin's gesture. "He'd said to his attorney, 'You know, if you weren't here, I'd make a play for her.'" She had talked for six hours to this guy who hated Jews so much that he hid in the bushes and shot at them with a rifle, and he had come on to her, just like that. She shivered at the memory: "He said he wanted some *pussy*."

WHEN Dorothy Lewis graduated from Yale School of Medicine, in 1963, neurology, the study of the brain and the rest of the nervous system, and psychiatry, the study of behavior and personality, were entirely separate fields. This was still the Freudian era. Little attempt was made to search for organic causes of criminality. When, after medical school, she began working with juvenile delinquents in New Haven, the theory was that these boys were robust, healthy. According to the prevailing wisdom, a delinquent was simply an ordinary kid who had been led astray by a troubled home life—by parents who were too irresponsible or too addled by drugs and alcohol to provide proper discipline. Lewis came from the archetypal dogooding background—reared on Central Park West; schooled at Ethical Culture; a socialist mother who as a child had once introduced Eugene V. Debs at a political rally; father in the garment business; heated dinner-table conversations about the Rosenbergs—and she accepted this dogma. Criminals were just like us, only they had been given bad ideas about how to behave. The trouble was that when she began working with delinquents they didn't seem like that at all. They didn't lack for discipline. If anything, she felt, they were being disciplined too much. And these teen-agers weren't robust and rowdy; on the contrary, they seemed to be damaged and impaired. "I was studying for my boards in psychiatry, and in order to do a good job you wanted to do a careful medical history and a careful mental-status exam," she says. "I discovered that many of these kids had had serious accidents, injuries, or illnesses that seemed to have affected the central nervous system and that hadn't been identified previously."

In 1976, she was given a grant by the

State of Connecticut to study a group of nearly a hundred juvenile delinquents. She immediately went to see Pincus, then a young professor of neurology at Yale. They had worked together once before. "Dorothy came along and said she wanted to do this project with me," Pincus says. "She wanted to look at violence. She had this hunch that there was something physically wrong with these kids. I said, 'That's ridiculous. Everyone knows violence has nothing to do with neurology.'" At that point, Pincus recalls, he went to his bookshelf and began reading out loud from what was then the definitive work in the field: "Criminality and Psychiatric Disorders," by Samuel Guze, the chairman of the psychiatry department of Washington University, in St. Louis. "Sociopathy, alcoholism, and drug dependence are the psychiatric disorders characteristically associated with serious crime," he read. "Schizophrenia, primary affective disorders, anxiety neurosis, obsessional neurosis, phobic neurosis, and"—and there he paused—"brain syndromes are not." But Lewis would have none of it. "She said, 'We should do it anyway.' I said, 'I don't have the time.' She said, 'Jonathan, I can *pay* you.' So I would go up on Sunday, and I would examine three or four youths, just give them a standard neurological examination." But, after seeing the kids for himself, Pincus, too, became convinced that the prevailing wisdom about juvenile delinquents—and, by extension, about adult criminals—was wrong, and that Lewis was right. "Almost *all* the violent ones were damaged," Pincus recalls, shaking his head.

Over the past twenty years, Lewis and Pincus have testified for the defense in more than a dozen criminal cases, most of them death-penalty appeals. Together, they have published a series of groundbreaking studies on murderers and delinquents, painstakingly outlining the medical and psychiatric histories of the very violent; one of their studies has been cited twice in United States Supreme Court opinions. Of the two, Pincus is more conservative. He doesn't have doubts about evil the way Lewis does, and sharply disagrees with her on some of the implications of their work. On the core conclusions, however, they are in agreement. They believe that the most vicious criminals are, overwhelmingly, people with some combination of abusive

childhoods, brain injuries, and psychotic symptoms (in particular, paranoia), and that while each of these problems individually has no connection to criminality (most people who have been abused or have brain injuries or psychotic symptoms never end up harming anyone else), somehow these factors together create such terrifying synergy as to impede these individuals' ability to play by the rules of society.

Trying to determine the causes of human behavior is, of course, a notoriously tricky process. Lewis and Pincus haven't done the kind of huge, population-wide studies that could definitively answer just how predictive of criminality these factors are. Their findings are, however, sufficiently tantalizing that their ideas have steadily gained ground in recent years. Other researchers have now done some larger studies supporting their ideas. Meanwhile, a wave of new findings in the fields of experimental psychiatry and neurology has begun to explain why it is that brain dysfunction and child abuse can have such dire effects. The virtue of this theory is that it sidesteps all the topics that so cripple contemporary discussions of violence—genetics, biological determinism, and, of course, race. In a sense, it's a return to the old liberal idea that environment counts, and that it is

possible to do something significant about crime by changing the material conditions of people's lives. Only, this time the maddening imprecision of the old idea (what, exactly, was it about bad housing, say, that supposedly led to violent crime?) has been left behind. Lewis and Pincus and other neurologists and psychiatrists working in the field of criminal behavior think they are beginning to understand what it is that helps to turn some people into violent criminals—right down to which functions of the brain are damaged by abuse and injury. That's what Lewis means when she says she doesn't think that people are intrinsically evil. She thinks that some

criminals simply suffer from a dysfunction of the brain, the way cardiac patients suffer from a dysfunction of the heart, and this is the central and in some ways disquieting thing about her. When she talks about criminals as victims, she doesn't use the word in the standard

her death-row patients—as if they had just happened, going over and over details, sometimes worrying about whether she made the absolutely correct diagnosis. The fact that everyone else has long since given up on these people seems to be just what continues to attract her.

Years ago, when she was in college, Lewis found herself sitting next to the Harvard theologian Paul Tillich on the train from New York to Boston. "When you read about witches being burned at the stake," Tillich asked her, in the midst of a long and wide-ranging conversation, "do you identify with the witch or with the people looking on?" Tillich said he himself identified with the crowd. Not Lewis. She identified with the witch.

In her offices, Lewis has tapes of her interviews with Shawcross, the serial killer, and also tapes of Shawcross being interviewed by Park Elliott Dietz, the psychiatrist who testified for the prosecution in that case. Dietz is calm, in control, and has a slightly bored air, as if he had heard everything before. By contrast, Lewis, in her interviews, has a kind of innocence about her. She seems completely caught up in what is happening, and at one point, when Shawcross makes some particularly outrageous comment on what he did to one of the prostitutes he murdered, she looks back at the camera wide-eyed, as if

to say "Wow!" When Dietz was on the stand, his notes were beside him in one of those rolling evidence carts, where everything is labelled and items are distinguished by color-coded dividers, so that he had the entire case at his fingertips. When Lewis testified, she kept a big stack of untidy notes on her lap and fussed through them after she was asked a question. She is like that in everyday life as well—a little distracted and spacey, wrapped up in the task at hand. It makes her so approachable and so unthreatening that it's no wonder she gets hardened criminals to tell her their secrets. It's another way of identifying with the witch. Once, while talking with Bundy, Lewis



Dorothy Lewis and Jonathan Pincus: Their theory sidesteps the topics that so cripple contemporary discussion of violence.

liberal metaphorical sense. She means it literally.

Lewis works out of a tiny set of windowless offices on the twenty-first floor of the new wing of Bellevue Hospital, in Manhattan's East Twenties. The offices are decorated in institutional colors—gray carpeting and bright-orange trim—and since they're next to the children's psychiatric ward you can sometimes hear children crying out. Lewis's desk is stacked high with boxes of medical and court records from cases she has worked on, and also with dozens of videotapes of interviews with murderers which she has conducted over the years. She talks about some of her old cases—especially some of

looked up after several hours and found that she had been so engrossed in their conversation that she hadn't noticed that everyone outside the soundproof glass of the interview booth—the guard, the prison officials at their desks—had left for lunch. She and Bundy were utterly alone. Terrified, Lewis stayed glued to her seat, her eyes never leaving his. “I didn’t bat an eyelash,” she recalls. Another time, after Lewis had interviewed a murderer in a Tennessee prison, she returned to her hotel room to find out that there had been a riot in the prison while she was there.

THE human brain comprises, in the simplest terms, four interrelated regions, stacked up in ascending order of complexity. At the bottom is the brain stem, which governs the most basic and

primitive functions—breathing, blood pressure, and body temperature. Above that is the diencephalon, the seat of sleep and appetite. Then comes the limbic region, the seat of sexual behavior and instinctual emotions. And on top, covering the entire outside of the brain in a thick carpet of gray matter, is the cortex, the seat of both concrete and abstract thought. It is the function of the cortex—and, in particular, those parts of the cortex beneath the forehead, known as the frontal lobes—to modify the impulses that surge up from within the brain, to provide judgment, to organize behavior and decision-making, to learn and adhere to rules of everyday life. It is the dominance of the cortex and the frontal lobes, in other words, that is responsible for making us human; and the central argument of the school to which Lewis and

Pincus belong is that what largely distinguishes many violent criminals from the rest of us is that something has happened inside their brains to throw the functioning of the cortex and the frontal lobes out of whack. “We are a highly socialized animal. We can sit in theatres with strangers and not fight with each other,” Stuart Yudofsky, the chairman of psychiatry at Baylor College of Medicine, in Houston, told me. “Many other mammals could never crowd that closely together. Our cortex helps us figure out when we are and are not in danger. Our memory tells us what we should be frightened of and angry with and what we shouldn’t. But if there are problems there—if it’s impaired—one can understand how that would lead to confusion, to problems with disinhibition, to violence.” One of the most important things

that Lewis and Pincus have to do, then, when they evaluate a murderer is check for signs of frontal-lobe impairment. This, the neurological exam, is Pincus’s task.

Pincus begins by taking a medical history: he asks about car accidents and falls from trees and sports injuries and physical abuse and problems at birth and any blows to the head of a kind that might have caused damage to the frontal lobes. He asks about headaches, tests for reflexes and sensorimotor functions, and compares people’s right and left sides and observes gait. “I measure the head circumference—if it’s more than two standard deviations below the normal brain circumference, there may be some degree of mental retardation, and, if it’s more than two standard deviations above, there may be hydrocephalus,” Pincus told me. “I also check gross motor coordination. I ask people to



"Yeah, but it doesn't smell like a bomb!"

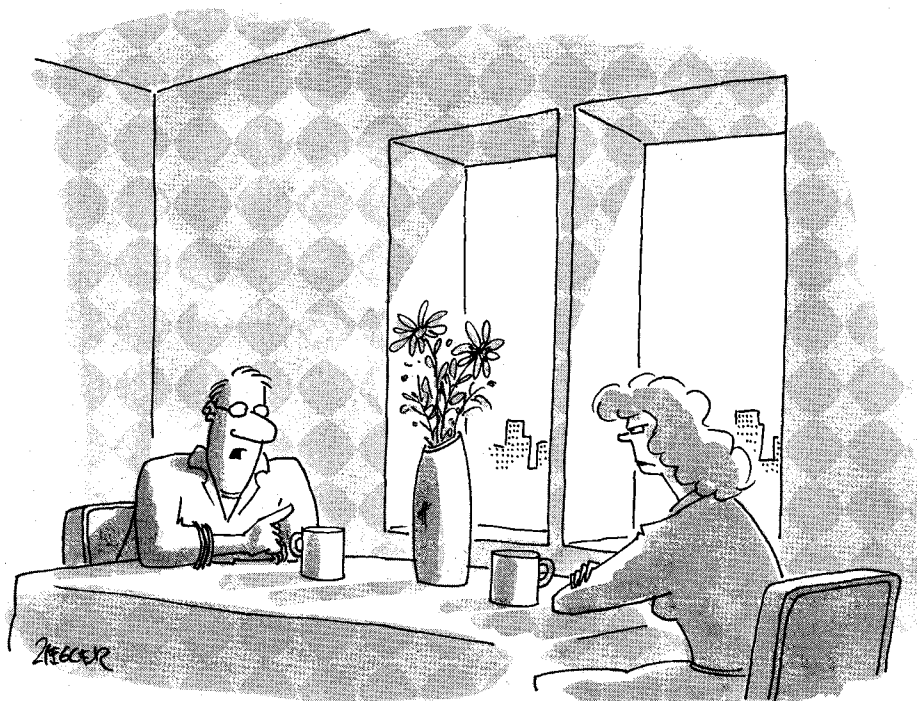
spread their fingers and hold their hands apart and look for choreiform movements—discontinuous little jerky movements of the fingers and arms.” We were in Pincus’s cluttered office at Georgetown University Medical Center, in Washington, D.C., and Pincus, properly professorial in a gray Glen-plaid suit, held out his hand to demonstrate. “Then I ask them to skip, to hop,” he went on, and he hopped up and down in a small space on the floor between papers and books.

Pincus stands just over six feet, has the long-limbed grace of an athlete, and plays the part of neurologist to perfection: calm, in command, with a distinguished sprinkle of white hair. At the same time, he has a look of mischief in his eyes, a streak of irreverence that allows him to jump up and down in his office before a total stranger. It’s an odd combination, like Walter Matthau playing Sigmund Freud.

“Then I check for mixed dominance, to see if the person is, say, right-eyed, left-footed,” he said. “If he is, it might mean that his central nervous system hasn’t differentiated the way it should.” He was sitting back down now. “No one of these by itself means he is damaged. But they can tell us something in aggregate.”

At this point, Pincus held up a finger forty-five degrees to my left and moved it slowly to the right. “Now we’re checking for frontal functions,” he said. “A person should be able to look at the examiner’s finger and follow it smoothly with his eyes. If he can only follow it jerkily, the frontal eye fields are not working properly. Then there’s upward gaze.” He asked me to direct my eyes to the ceiling. “The eye should go up five millimetres and a person should also be able to direct his gaze laterally and maintain it for twenty seconds. If he can’t, that’s motor impersistence.” Ideally, Pincus will attempt to amplify his results with neuropsychological testing, an EEG (an electroencephalogram, which measures electrical patterns in the brain), and an M.R.I. scan (that’s magnetic resonance imaging), to see if he can spot scarring or lesions in any of the frontal regions which might contribute to impairment.

Pincus is also interested in measuring judgment. But since there is no objective standard for judgment, he tries to pick up evidence of an inability to cope with complexity, a lack of connection between



“Helen, I have decided to seek a change of venue, since it has grown increasingly obvious that I can no longer get a fair trial in this household.”

experience and decision-making which is characteristic of cortical dysfunction. Now he walked behind me, reached over the top of my head, and tapped the bridge of my nose in a steady rhythm. I blinked once, then stopped. That, he told me, was normal.

“When you tap somebody on the bridge of the nose, it’s reasonable for a person to blink a couple of times, because there is a threat from the outside,” Pincus said. “When it’s clear there is no threat, the subject should be able to accommodate that. But, if the subject blinks more than three times, that’s ‘insufficiency of suppression,’ which may reflect frontal-lobe dysfunction. The inability to accommodate means you can’t adapt to a new situation. There’s a certain rigidity there.”

Arthur Shawcross, who had a cyst pressing on one temporal lobe and scarring in both frontal lobes (probably from, among other things, being hit on the head with a sledgehammer and with a discus, and falling on his head from the top of a forty-foot ladder), used to walk in absolutely straight lines, splashing through puddles instead of walking around them, and he would tear his pants on a barbed-wire fence instead of using a gate a few feet away. That’s the kind of

behavior Pincus tries to correlate with abnormalities on the neurological examination. “In the Wisconsin Card Sorting Test, the psychologist shows the subject four playing cards—three red ones, one black one—and asks which doesn’t fit,” Pincus said. “Then he shows the subject, say, the four of diamonds, the four of clubs, the four of hearts, and the three of diamonds. Somebody with frontal-lobe damage who correctly picked out the black one the first time—say, the four of clubs—is going to pick the four of clubs the second time. But the rules have changed. It’s now a three we’re after. We’re going by numbers now, not color. It’s that kind of change that people with frontal-lobe damage can’t make. They can’t change the rules. They get stuck in a pattern. They keep using rules that are demonstrably wrong. Then there’s the word-fluency test. I ask them to name in one minute as many different words as they can think of which begin with the letter ‘f.’ Normal is fourteen, plus or minus five. Anyone who names fewer than nine is abnormal.”

This is not an intelligence test. People with frontal-lobe damage might do just as well as anyone else if they were asked, say, to list the products they might buy in a supermarket. “Under those rules,

most people can think of at least sixteen products in a minute and rattle them off," Pincus said. But that's a structured test, involving familiar objects, and it's a test with rules. The thing that people with frontal-lobe damage can't do is cope with situations where there are no rules, where they have to improvise, where they need to make unfamiliar associations. "Very often, they get stuck on one word—they'll say 'four,' 'fourteen,' 'forty-four,'" Pincus said. "They'll use the same word again and again—'farm' and then 'farming.' Or, as one fellow in a prison once said to me, 'fuck,' 'fucker,' 'fucking.' They don't have the ability to come up with something else."

What's at stake, fundamentally, with frontal-lobe damage is the question of inhibition. A normal person is able to ignore the tapping after one or two taps, the same way he can ignore being jostled in a crowded bar. A normal person can screen out and dismiss irrelevant aspects of the environment. But if you can't ignore the tapping, if you can't screen out every environmental annoyance and stimulus, then you probably can't ignore being jostled in a bar, either. It's living life with a hair trigger.

A recent study of two hundred and seventy-nine veterans who suffered penetrating head injuries in Vietnam showed that those with frontal-lobe damage were anywhere from two to six times as violent and aggressive as veterans who had not suffered such injuries. This kind of aggression is what is known as neurological, or organic, rage. Unlike normal anger, it's not calibrated by the magnitude of the original insult. It's explosive and uncontrollable, the anger of someone who no longer has the mental equipment to moderate primal feelings of fear and aggression.

"There is a reactivity to it, in which a modest amount of stimulation results in a severe overreaction," Stuart Yudofsky told me. "Notice that reactivity implies that, for the most part, this behavior is not premeditated. The person is rarely violent and frightening all the time. There are often brief episodes of violence punctuating stretches when the person does not behave violently at all. There is also not any gain associated with organic violence. The person isn't using the violence to manipulate someone else or get something for himself. The act of violence does just the opposite. It is usually

something that causes loss for the individual. He feels that it is out of his control and unlike himself. He doesn't blame other people for it. He often says, 'I hate myself for acting this way.' The first person with organic aggression I ever treated was a man who had been inflating a truck tire when the tire literally exploded and the rim was driven into his prefrontal cortex. He became extraordinarily aggressive. It was totally uncharacteristic: he had been a religious person with strong values. But now he would not only be physically violent—he would curse. When he came to our unit, a nurse offered him some orange juice. He was calm at that moment. But then he realized that the orange juice was warm, and in one quick motion he threw it back at her, knocking her glasses off and injuring her cornea. When we asked him why, he said, 'The orange juice was warm.' But he also said, 'I don't know what got into me.' It wasn't premeditated. It was something that accelerated quickly. He went from zero to a hundred in a millisecond." At that point, I asked Yudofsky an obvious question. Suppose you had a person from a difficult and disadvantaged background, who had spent much of his life on the football field, getting his head pounded by the helmets of opposing players. Suppose he was involved in a tempestuous on-again, off-again relationship with his ex-wife. Could a vicious attack on her and another man fall into the category of neurological rage? "You're not the first person to ask that question," Yudofsky replied dryly, declining to comment further.

Pincus has found that when he examines murderers neurological problems of this kind come up with a frequency far above what would be expected in the general population. For example, Lewis and Pincus published a study of fifteen death-row inmates randomly referred to them for examination; they were able to verify forty-eight separate incidents of significant head injury. Here are the injuries suffered by just the first three murderers examined:

1. three years: beaten almost to death by father (multiple facial scars)
early childhood: thrown into sink onto head (palpable scar)
late adolescence: one episode of loss of consciousness while boxing
2. childhood: beaten in head with two-by-fours by parents
childhood: fell into pit, unconscious for several hours

SHOWCASE

THERE IN A FLASH

AFTER a man called Weegee (his real name was Arthur Fellig) set himself up, in 1935, as a freelance news photographer favoring a tabloid clientele, rival photographers who showed up at a New York crime scene often found him wagging his Speed Graphic at them—a gleeful signal that he had beaten them again. Getting there fast, sometimes even before the cops made it, was a matter of being ever at the ready: he lived in a room a few steps from Police Headquarters, in lower Manhattan, paying devout attention to the special police- and fire-department radio channels, and he slept in his clothes. Parked nearby was his ratty Chevrolet, its trunk crammed with spare film and flashbulbs, his typewriter, and extra cigars—life's essentials.

In 1945 or so, Weegee—whose credit line had by then become "Weegee the Famous"—left off sleeping in his clothes and moved uptown to photograph celebrities for glossy magazines. From 1947 to 1952, he was a Hollywood consultant. After he came back to New York, he frequently complained that people had forgotten about Weegee the Famous. Certainly there are no plans to give that title to next fall's exhibit of more than two hundred Weegee prints, along with letters and other documents, which Wilma Wilcox, Weegee's longtime companion, bequeathed to the International Center of Photography; or to the volume that Miles Barth, a curator at I.C.P., is putting together to go with the show.

For his black-and-white prints, Weegee often used a flash; the resulting pictures were raw, stark, without gentling shadows. Having taken by his own calculation five thousand crime pictures by the time he published "Naked City," in 1945, he naturally saw himself as a student of homicides. Murdered New Yorkers, he observed, "fall face up," and he added that they tend to wear fedoras, which happened to be his own favorite headgear. Of course, not all his crime pictures were of murder victims. The transvestite emerging from a police van at the right displays great dignity and quite a nice pair of legs.

—ANDY LOGAN

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seventeen years: car accident with injury to right eye

eighteen years: fell from roof apparently because of a blackout

3. six years: glass bottle deliberately dropped onto head from tree (palpable scar on top of cranium)

eight years: hit by car

nine years: fell from platform, received head injury

fourteen years: jumped from moving car, hit head.

DOROTHY LEWIS'S task is harder than Jonathan Pincus's. He administers relatively straightforward tests of neurological function. But she is interested in the psychiatric picture, which means getting a murderer to talk about his family, his feelings and behavior, and, perhaps most important, his childhood. It is like a normal therapy session, except that Lewis doesn't have weeks in which to establish intimacy. She may have only a session or two. On one occasion, when she was visiting a notorious serial killer at San Quentin, she got lucky. "By chance, one of the lawyers had sent me some clippings from the newspaper, where I read that when he was caught he had been carrying some Wagner records," she told me. "For some reason, that stuck in my mind. The first time I went to see him, I started to approach him and he pointed at me and said, 'What's happening on June 18th?' And I said, 'That's the first night PBS is broadcasting "Der Ring des Nibelungen." ' You know, we'd studied Wagner at Ethical Culture. Granted, it was a lucky guess. But I showed him some respect, and you can imagine the rapport that engendered." Lewis says that even after talking for hours with someone guilty of horrendous crimes she never gets nightmares. She seems to be able to separate her everyday life from the task at hand—to draw a curtain between her home and her work. Once, I visited Lewis at her home: she and her husband, Mel, who is a professor of psychiatry at Yale, live in New Haven. The two dote on each other ("When I met Mel, I knew within a week that this was the man I wanted to marry," she says, flushing, "and I've never forgiven him, because it took him two weeks to ask me"), and as soon as I walked in they insisted on giving me a detailed tour of their house, picking up each memento, pointing out their children's works of art, and retelling the stories behind thirty years of anniversaries and birthdays:

sometimes they told their stories in alternating sentences, and sometimes they told a story twice, first from Dorothy's perspective and then from Mel's. All in all, it was a full hour of domestic vaudeville. Then Dorothy sat on her couch, with her cat, Ptolemy, on her lap, and began to talk about serial killers, making a seamless transition from the sentimental to the unspeakable.

At the heart of Lewis's work with murderers is the search for evidence of childhood abuse. She looks for scars. She combs through old medical records for reports of suspicious injuries. She tries to talk to as many family members and friends as possible. She does all this because, of course, child abuse has devastating psychological consequences for children and the adults they become. But there is the more important reason—the one at the heart of the new theory of violence—which is that finding evidence of prolonged child abuse is a key to understanding criminal behavior because abuse also appears to change the anatomy of the brain.

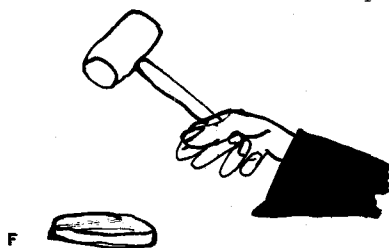
When a child is born, the parts of his brain that govern basic physiological processes—that keep him breathing and keep his heart beating—are fully intact. But a newborn can't walk, can't crawl, can't speak, can't reason or do much of anything besides sleep and eat, because the higher regions of his brain—the cortex, in particular—aren't developed yet. In the course of childhood, neurons in the cortex begin to organize themselves—to differentiate and make connections—and that maturation process is in large part responsive to what happens in the child's environment. Bruce Perry, a psychiatrist at Baylor College of Medicine, has done brain scans of children who have been severely neglected, and has found that their cortical and sub-cortical areas never developed properly, and that, as a result, those regions were roughly twenty or thirty per cent smaller than normal. This kind of underdevelopment doesn't affect just intelligence; it affects emotional health. "There are parts

of the brain that are involved in attachment behavior—the connectedness of one individual to another—and in order for that to be expressed we have to have a certain nature of experience and have that experience at the right time," Perry told me. "If early in life you are not touched and held and given all the somatosensory stimuli that are associated with what we call love, that part of the brain is not organized in the same way."

According to Perry, the section of the brain involved in attachment—which he places just below the cortex, in the limbic region—would look different in someone abused or neglected. The wiring wouldn't be as dense or as complex. "Such a person is literally lacking some brain organization that would allow him to actually make strong connections to other human beings. Remember the orphans in Romania? They're a classic example of children who, by virtue of not being touched and held and having their eyes gazed into, didn't get the somatosensory bath. It doesn't matter how much you love them after age two—they've missed that critical window."

In a well-known paper in the field of child abuse, Mary Main, a psychologist at Berkeley, and Carol George, now at Mills College, studied a group of twenty disadvantaged toddlers, half of whom had been subjected to serious physical abuse and half of whom had not. Main and George were interested in how the toddlers responded to a classmate in distress. What they found was that almost all the nonabused children responded to a crying or otherwise distressed peer with concern or sadness or, alternatively, showed interest and made some attempt to provide comfort. But not one of the abused toddlers showed any concern. At the most, they showed interest. The majority of them either grew distressed and fearful themselves or lashed out with threats, anger, and physical assaults. Here is the study's description of Martin, an abused boy of two and a half, who—emotionally retarded in the way that Perry describes—seemed incapable of normal interaction with another human being:

Martin . . . tried to take the hand of the crying other child, and when she resisted, he slapped her on the arm with his open hand. He then turned away from her to look at the ground and began vocalizing very strongly. "Cut it out! CUT IT OUT!" each time saying it a little faster and louder. He patted her, but when she became dis-



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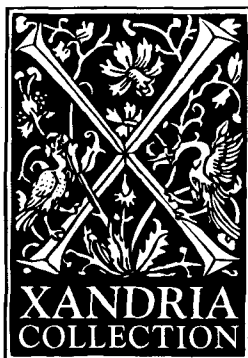
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turbed by his patting, he retreated "hissing at her and baring his teeth." He then began patting her on the back again, his patting became beating, and he continued beating her despite her screams.

Abuse also disrupts the brain's stress-response system, with profound results. When something traumatic happens—a car accident, a fight, a piece of shocking news—the brain responds by releasing several waves of hormones, the last of which is cortisol. The problem is that cortisol can be toxic. If someone is exposed to too much stress over too long a time, one theory is that all that cortisol begins to eat away at the organ of the brain known as the hippocampus, which serves as the brain's archivist: the hippocampus organizes and shapes memories and puts them in context, placing them in space and time and tying together visual memory with sound and smell. J. Douglas Bremner, a psychiatrist at Yale, has measured the damage that cortisol apparently does to the hippocampus by taking M.R.I. scans of the brains of adults who suffered severe sexual or physical abuse as children and comparing them with the brains of healthy adults. An M.R.I. scan is a picture of a cross-section of the brain—as if someone's head had been cut into thin slices like a tomato, and then each slice had been photographed—and in the horizontal section taken by Bremner the normal hippocampus is visible as two identical golf-ball-size organs, one on the left and one on the right, and each roughly even with the ear. In child-abuse survivors, Bremner found, the golf ball on the left is on average twelve per cent smaller than that of a healthy adult, and the theory is that it was shrunk by cortisol. Lewis says that she has examined murderers with dozens of scars on their backs, and that they have no idea how the scars got there. They can't remember their abuse, and if you look at Bremner's scans that memory loss begins to make sense: the archivist in their brain has been crippled.

Abuse also seems to affect the relationship between the left hemisphere of the brain, which plays a large role in logic and language, and the right hemisphere, which is thought to play a large role in creativity and depression. Martin Teicher, a professor of psychiatry at Harvard and McLean Hospital, recently gave EEGs to a hundred and

fifteen children who had been admitted to a psychiatric facility, some of whom had a documented history of abuse. Not only did the rate of abnormal EEGs among the abused turn out to be twice that of the nonabused but all those abnormal brain scans turned out to be a result of problems on the left side of the brain. Something in the brain's stress response, Teicher theorized, was interfering with the balanced development of the brain's hemispheres.

Then Teicher did M.R.I.s of the brains of a subset of the abused children, looking at what is known as the corpus callosum. This is the fibre tract—the information superhighway—that connects the right and the left hemispheres. Sure enough, he found that parts of the corpus callosum of the abused kids were smaller than they were in the nonabused children. Teicher speculated that these abnormalities were a result of something wrong with the sheathing—the fatty substance, known as myelin, that coats the nerve cells of the corpus callosum. In a healthy person, the myelin helps the neuronal signals move quickly and efficiently. In the abused kids, the myelin seemed to have been eaten away, perhaps by the same excess cortisol that is thought to attack the hippocampus.

Taken together, these changes in brain hardware are more than simple handicaps. They are, in both subtle and fundamental ways, corrosive of self. Richard McNally, a professor of psychology at Harvard, has done memory studies with victims of serious trauma, and he has discovered that people with post-traumatic-stress disorder, or P.T.S.D., show marked impairment in recalling specific autobiographical memories. A healthy trauma survivor, asked to name an instance when he exhibited kindness, says, "Last Friday, I helped a neighbor plow out his driveway." But a trauma survivor with P.T.S.D. can only say something like "I was kind to people when I was in high school." This is what seems to happen when your hippocampus shrinks: you can't find your memories. "The ability to solve problems in the here and now depends on one's ability to access specific autobiographical memories in which one has encountered similar problems in the past," McNally says. "It depends on knowing what worked and

what didn't." With that ability impaired, abuse survivors cannot find coherence in their lives. Their sense of identity breaks down.

It is a very short walk from this kind of psychological picture to a diagnosis often associated with child abuse; namely, dissociative identity disorder, or D.I.D. Victims of child abuse are thought sometimes to dissociate, as a way of coping with their pain, of distancing themselves from their environment, of getting away from the danger they faced. It's the kind of disconnection that would make sense if a victim's memories were floating around without context and identification, his left and right hemispheres separated and unequal, and his sense of self fragmented and elusive. It's also a short walk from here to understanding how someone with such neurological problems could become dangerous. Teicher argues that in some of his EEG and M.R.I. analyses of the imbalance between the left and the right hemispheres he is describing the neurological basis for the polarization so often observed in psychiatrically disturbed patients—the mood swings, the sharply contrasting temperaments. Instead of having two integrated hemispheres, these patients have brains that are, in

some sense, divided down the middle. "What you get is a kind of erraticness," says Frank Putnam, who heads the Unit on Developmental Traumatology at the National Institute of Mental Health, in Maryland. "These kinds of people can be very different in one situation compared with another. There is the sense that they don't have a larger moral compass."

Several years ago, Lewis and Pincus worked together on an appeal for David Wilson, a young black man on death row in Louisiana. Wilson had been found guilty of murdering a motorist, Stephen Stinson, who had stopped to help when the car Wilson was in ran out of gas on I-10 outside New Orleans; and the case looked, from all accounts, almost impossible to appeal. Wilson had Stinson's blood on his clothes, in his pocket he had a shotgun shell of the same type and gauge as the one found in the gun at the murder scene, and the prosecution had an eyewitness to the whole shooting. At the trial, Wilson denied that the bloody clothes were his, denied that he had shot Stinson, denied that a tape-recorded statement the prosecution had played for the jury was of his voice, and claimed he had slept through the entire incident. It took the jury thirty-five minutes



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to convict him of first-degree murder and sixty-five minutes more, in the sentencing phase, to send him to the electric chair.

But when Lewis and Pincus examined him they became convinced that his story was actually much more complicated. In talking to Wilson's immediate family and other relatives, they gathered evidence that he had never been quite normal—that his personality had always seemed fractured and polarized. His mother recalled episodes from a very early age during which he would become “glassy-eyed” and seem to be someone else entirely. “David had, like, two personalities,” his mother said. At times, he would wander off and be found, later, miles away, she recalled. He would have violent episodes during which he would attack his siblings' property, and subsequently deny that he had done anything untoward at all. Friends would say that they had seen someone who looked just like Wilson at a bar, but weren't sure that it had been Wilson, because he'd been acting altogether differently. On other occasions, Wilson would find things in his pockets and have no idea how they got there. He sometimes said he was born in 1955 and at other times said 1948.

What he had, in other words, were the classic symptoms of dissociation, and when Lewis and Pincus dug deeper into his history they began to understand why. Wilson's medical records detailed a seemingly endless list of hospitalizations for accidents, falls, periods of unconsciousness, and “sunstroke,” dating from the time Wilson was two through his teens—the paper trail of a childhood marked by extraordinary trauma and violence. In his report to Wilson's attorneys, based on his examination of Wilson, Pincus wrote that there had been “many guns” in the home and that Wilson was often shot at as a child. He was also beaten “with a bull whip, 2x4's, a hose, pipes, a tree approximately 4 inches in diameter, wire, a piece of steel and belt buckles . . . on his back, legs, abdomen and face,” until “he couldn't walk.” Sometimes, when the beatings became especially intense, Wilson would have to “escape from the house and live in the fields for as long as two weeks.” A kindly relative would leave food surreptitiously for him. The report goes on:

As a result of his beatings David was ashamed to go to school lest he be seen

with welts. He would “lie down in the cold sand in a hut” near his home to recuperate for several days rather than go to school.

At the hearing, Lewis argued that when Wilson said he had no memory of shooting Stinson he was actually telling the truth. The years of abuse had hurt his ability to retrieve memories.

Lewis also argued that Wilson had a violent side that he was, quite literally, unaware of; that he had the classic personality polarization of the severely abused who develop dissociative identity disorder. Lewis has videotapes of her sessions with Wilson: he is a handsome man with long fine black hair, sharply defined high cheekbones, and large, soft eyes. In the videotapes, he looks gentle. “During the hearing,” Lewis recalls, “I was testifying, and I looked down at the defense table and David wasn't there. You know, David is a sweetie. He has a softness and a lovable quality. Instead, seated in his place there was this glowering kind of character, and I interrupted myself. I said, ‘Excuse me, Your Honor, I just wanted to call to your attention that that is not David.’ Everyone just looked.” In the end, the judge vacated Wilson's death sentence.

Lewis talks a great deal about the Wilson case. It is one of the few instances in which she and Pincus succeeded in saving a defendant from the death penalty, and when she talks about what happened she almost always uses one of her favorite words—“poignant,” spoken with a special emphasis, with a hesitation just before and just afterward. “In the course of evaluating someone, I always look for scars,” Lewis told me. We were sitting in her Bellevue offices, watching the video of her examination of Wilson, and she was remembering the poignant moment she first met him. “Since I was working with a male psychologist, I said to him, ‘Would you be good enough to go into the bathroom and look at David's back?’ So he did that, and then he came back out and said, ‘Dorothy! You must come and see this.’ David had scars all over his back and chest. Burn marks. Beatings. I've seen a lot. But that was really grotesque.”

ABUSE, in and of itself, does not necessarily result in violence, any more than neurological impairment or psychosis does. Lewis and Pincus argue, however, that if you mix these conditions

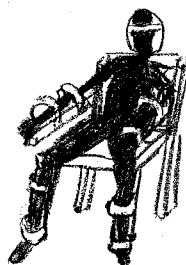
together they become dangerous, that they have a kind of pathological synergy, that, like the ingredients of a bomb, they are troublesome individually but explosive in combination.

Several years ago, Lewis and some colleagues did a followup study of ninety-five male juveniles she and Pincus had first worked with in the late nineteen-seventies, in Connecticut. She broke the subjects into several groups: Group 1 consisted of those who did not have psychiatric or neurological vulnerabilities or an abusive childhood; Group 2 consisted of those with vulnerabilities but no abuse at home; Group 3 consisted of those with abuse but no vulnerabilities; yet another group consisted of those with abuse and extensive vulnerabilities. Seven years later, as adults, those in Group 1 had been arrested for an average of just over two criminal offenses, none of which were violent, so the result was essentially no jail time. Group 2, the psychiatrically or neurologically impaired kids, had been convicted of an average of almost ten offenses, two of which were violent, the result being just under a year of jail time. Group 3, the abused kids, had 11.9 offenses, 1.9 of them violent, the result being five hundred and sixty-two days in jail. But the group of children who had the most vulnerabilities and abuse were in another league entirely. In the intervening seven years, they had been arrested for, on average, 16.8 crimes, 5.4 of which were violent, the result being a thousand two hundred and fourteen days in prison.

In another study on this topic, a University of Southern California psychologist named Adrian Raine looked at four thousand two hundred and sixty-nine male children born and living in Denmark, and classified them according to two variables. The first was whether there were complications at birth—which correlates, loosely, with neurological impairment. The second was whether the child had been rejected by the mother (whether the child was unplanned, unwanted, and so forth)—which correlates, loosely, with abuse and neglect. Looking back eighteen years later, Raine found that those children who had not been rejected and had had no birth complications had roughly the same chance of becoming criminally violent as those with only one of the risk factors—around

three per cent. For the children with both complications and rejection, however, the risk of violence tripled: in fact, the children with both problems accounted for eighteen per cent of all the violent crimes, even though they made up only 4.5 per cent of the group.

There is in these statistics a powerful and practical suggestion for how to prevent crime. In the current ideological climate, liberals argue that fighting



crime requires fighting poverty, and conservatives argue that fighting crime requires ever more police and prisons; both of these things may be true, but both are also daunting. The studies suggest that there may be instances in which more modest interventions can bring large dividends. Criminal behavior that is associated with specific neurological problems is behavior that can, potentially, be diagnosed and treated like any other illness. Already, for example, researchers have found drugs that can mimic the cortical function of moderating violent behavior. The work is preliminary but promising. "We are on the cusp of a revolution in treating these conditions," Stuart Yudofsky told me. "We can use anticonvulsants, antidepressants, anti-hypertensive medications. There are medications out there that are F.D.A.-approved for other conditions which have profound effects on mitigating aggression." At the prevention end, as well, there's a strong argument for establishing aggressive child-abuse-prevention programs. Since 1992, for example, the National Committee to Prevent Child Abuse, a not-for-profit advocacy group based in Chicago, has been successfully promoting a program called Healthy Families America, which, working with hospitals, prenatal clinics, and physicians, identifies mothers in stressful and potentially abusive situations either before they give birth or immediately afterward, and then provides them with weekly home visits, counselling, and support for as long as five years. The main thing holding back nationwide adoption of programs like this is money: Healthy Families America costs up to two thousand dollars per family per year, but if we view it as a crime-prevention measure that's not a large sum.

These ideas, however, force a change in the way we think about criminality. Advances in the understanding of human

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LANDSCAPE IN MEMORIAM

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Polly Klaas

Rodney King

"A tree in a park, a section of road, a little girl's bedroom, a billboard. All of them eerily familiar. Looking at these sites, I think: I have been here before, I know this place. The longer I look the more complicated these seemingly simple scenes become. *On This Site* becomes a subtle collision/collusion in which esthetic beauty torques against the facts of life."

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"We find that all of us, as a society, are to blame, but only the defendant is guilty."

behavior are necessarily corrosive of the idea of free will. That much is to be expected, and it is why courts have competency hearings, and legal scholars endlessly debate the definition and the use of the insanity defense. But the new research takes us one step further. If the patient of Yudofsky's who lashed out at his nurse because his orange juice was warm had, in the process, accidentally killed her, could we really hold him criminally responsible? Yudofsky says that that scenario is no different from one involving a man who is driving a car, has a heart attack, and kills a pedestrian. "Would you put *him* in jail?" he asks. Or consider Joseph Paul Franklin. By all accounts, he suffered through a brutal childhood on a par with that of David Wilson. What if he has a lesion on one of his frontal lobes, an atrophied hippocampus, a damaged and immature corpus callosum, a maldeveloped left hemisphere, a lack of synaptic complexity in the precortical limbic area, a profound left-right hemisphere split? What if in his remorselessness he was just the grownup version of the little boy Martin, whose ability to understand and relate to others

was so retarded that he kept on hitting and hitting, even after the screams began? What if a history of abuse had turned a tendency toward schizophrenia—recall Franklin's colorful delusions—from a manageable impairment into the engine of murderousness? Such a person might still be sane, according to the strict legal definition. But that kind of medical diagnosis suggests, at the very least, that his ability to live by the rules of civilized society, and to understand and act on the distinctions between right and wrong, is quite different from that of someone who had a normal childhood and a normal brain.

What is implied by these questions is a far broader debate over competency and responsibility—an attempt to make medical considerations far more central to the administration of justice, so that we don't bring in doctors only when the accused seems really crazy but, rather, bring in doctors all the time, to add their expertise to the determination of responsibility.

One of the state-of-the-art diagnostic tools in neurology and psychiatry is the PET scan, a computerized X-ray that tracks the movement and rate of the

body's metabolism. When you sing, for instance, the neurons in the specific regions that govern singing will start to fire. Blood will flow toward those regions, and if you take a PET scan at that moment the specific areas responsible for singing will light up on the PET computer monitor. Bremner, at Yale, has done PET scans of Vietnam War veterans suffering from post-traumatic-stress disorder. As he scanned the vets, he showed them a set of slides of Vietnam battle scenes accompanied by an appropriate soundtrack of guns and helicopters. Then he did the same thing with vets who were not suffering from P.T.S.D. Bremner printed out the results of the comparison for me, and they are fascinating. The pictures are color-coded. Blue shows the parts of the brain that were being used identically in the two groups of veterans, and

most of each picture is blue. A few parts are light blue or green, signifying that the P.T.S.D. vets were using those regions a little less than the healthy vets were. The key color, however, is white. White shows brain areas that the healthy vets were using as they watched the slide show and the unhealthy vets were hardly using at all; in Bremner's computer print-out, there is a huge white blob in the front of every non-P.T.S.D. scan.

"That's the orbitofrontal region," Bremner told me. "It's responsible for the extinction of fear." The orbitofrontal region is the part of your brain that evaluates the primal feelings of fear and anxiety which come up from the brain's deeper recesses. It's the part that tells you that you're in a hospital watching a slide show of the Vietnam War, not in Vietnam living through the real thing. The vets with P.T.S.D. weren't using that part of their brain. That's why every time a truck backfires or they see a war picture in a magazine they are forced to relive their wartime experiences: they can't tell the difference.

It doesn't take much imagination to see that this technique might someday be used to evaluate criminals—to help

decide whether to grant parole, for example, or to find out whether some kind of medical treatment might aid reentry into normal society. We appear to be creating a brand-new criminal paradigm: the research suggests that instead of thinking about and categorizing criminals merely by their acts—murder, rape, armed robbery, and so on—we ought to categorize criminals also according to their disabilities, so that a murderer with profound neurological damage and a history of vicious childhood abuse is thought of differently from a murderer with no brain damage and mild child abuse, who is, in turn, thought of differently from a murderer with no identifiable impairment at all. This is a more flexible view. It can be argued that it is a more sophisticated view. But even those engaged in such research—for example, Pincus—confess to discomfort at its implications, since something is undoubtedly lost in the translation. The moral force of the old standard, after all, lay in its inflexibility. Murder was murder, and the allowances made for aggravated circumstances were kept to a minimum. Is a moral standard still a moral standard when it is freighted with exceptions and exemptions and physiological equivocation?

When Lewis went to see Bundy, in Florida, on the day before his execution, she asked him why he had invited her—out of a great many people lining up outside his door—to see him. He answered, “Because everyone else wants to know what I did. You are the only one who wants to know why I did it.” It’s impossible to be sure what the supremely manipulative Bundy meant by this: whether he genuinely appreciated Lewis, or whether he simply regarded her as his last conquest. What is clear is that, over the four or five times they met in Bundy’s last years, the two reached a curious understanding: he was now part of her scientific enterprise.

“I wasn’t writing a book about him,” Lewis recalls. “That he knew. The con-

text in which he had first seen me was a scientific study, and this convinced him that I wasn’t using him. In the last meeting, as I recall, he said that he wanted any material that I found out about him to be used to understand what causes people to be violent. We even discussed whether he would allow his brain to be studied. It was not an easy thing to talk about with him, let me tell you.” At times, Lewis says, Bundy was manic, “high as a kite.” On one occasion, he detailed to her just how he had killed a woman, and, on another occasion, he stared at her and stated flatly, “The man sitting across from you did not commit any murders.” But she says that at the end she sensed a certain breakthrough. “The day before he was executed, he asked me to turn off the tape recorder. He said he wanted to tell me things that he didn’t want recorded, so I didn’t record them. It was very confidential.” To this day, Lewis has never told anyone what Bundy said. There is something almost admirable about this. But there is also something strange about extending the physician-patient privilege to a killer like Bundy—about turning the murderer so completely into a patient. It is not that the premise is false, that murderers can’t



also be patients. It’s just that once you make that leap—once you turn the criminal into an object of medical scrutiny—the crime itself inevitably becomes pushed aside and normalized. The difference between a crime of evil and a crime of illness is the difference between a sin and a symptom. And symptoms don’t intrude in the relationship between the murderer and the rest of us: they don’t force us to stop and observe the distinctions between right and wrong, between the speakable and the unspeakable, the way sins do. It was at the end of that final conversation that Bundy reached down and kissed Lewis on the cheek. But that was not all that happened. Lewis then reached up, put her arms around him, and kissed him back. ♦

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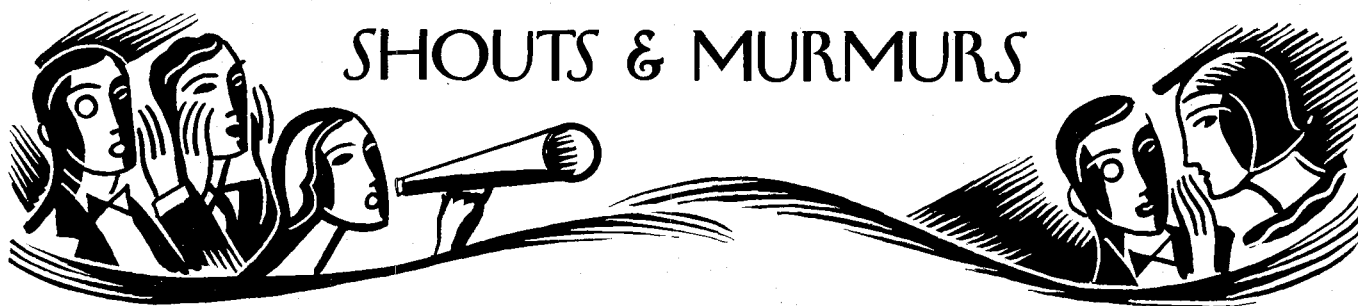
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FELONY FLOPS

BY ANTHONY LANE

Jack the Realtor

IN the nineteen-seventies, this anonymous real-estate agent lured young women to dilapidated streets in Tribeca and tried to sell them vacant loft space at suspiciously low prices. That his crimes went unsolved—and, in some cases, unremembered—is due solely to the courage and quick thinking of the women involved. Without exception, they beat him down well below his already feeble asking price, bought the property, and then sold it to Robert De Niro in the mid-eighties. The realtor was never brought to justice, and speculation as to his true identity has been nil.

The Boston Scrambler

THE most serious albumen-based crimes ever perpetrated in the annals of this state." Such were the sombre words of Prosecuting Attorney Horace P. Skuter as he opened the trial of Giuseppe "Uovo" Pavese, who was arraigned on charges of no fewer than eleven assaults with either raw or cooked eggs in May of 1991. The defense, arguing that the law did not recognize frittata as a deadly weapon, got Pavese acquitted on all counts, and a further charge of illegal possession of a controlled zabaglione was dismissed for lack of spoons. A broken man, Pavese later took his own life inside a cheese soufflé.

Alexandra Kelly

IN the summer of 1994, this Connecticut debutante attended a prom night that was to change her life. There she met Dave Grutchen and had a sexual encounter so undistinguished that both parties denied it not only in subsequent interviews but even as it was happening. Ashamed of her fashion sense, Alexandra skipped the country and spent the following two years at a

finishing school, where she failed to finish. In 1996, Grutchen filed a suit for date rap, alleging that Kelly's attempts to sing along to a Snoop Doggy Dogg track on the night in question had permanently impaired his hearing and forced him to vote Democratic. Kelly's return to America caused a sensation when she appeared at the trial on the arm of Grutchen's half brother, Dwight, who is twelve.

Mark David Taxman

BEATLEMANIA took many forms, but none as pathetic as Taxman, the man who nearly shot Ringo. Evidence recovered by police shows that Taxman became obsessed with locating and stalking any trace of musical ability in Starr's contributions to the band. Eventually, the fan flipped: "I was listening to the note Ringo hits on the word 'town' in the first line of 'Yellow Submarine' and, *bang*, I knew he had to die." Waiting outside Starr's apartment, Taxman fired point-blank, but the bullet clanged harmlessly off the Beatle's earring and passed through his beard. Ringo failed to notice the attack,

and Taxman confessed only when he later attempted to blow up Rod Stewart.

Jeffrey Dummer

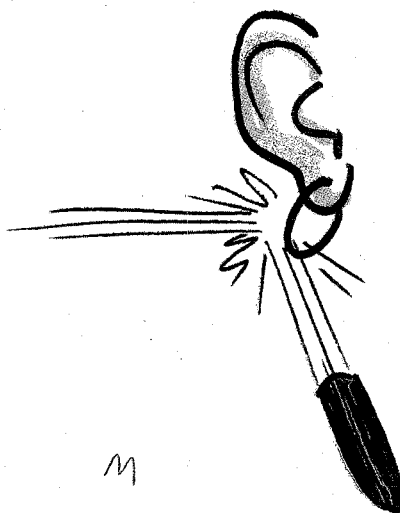
A NICE boy but a wuss," according to his mother, Dummer harbored homicidal fantasies yet somehow lacked the kitchen equipment to carry them out. His intention was to poison his victims, carve them up, and store the pieces in Ziploc bags in his refrigerator. Parts one and two of his plan proved beyond him, but he gamely persevered with the third, inviting friends to his apartment and bundling them into the fridge, where they played canasta and cleared the salad drawer. "It got kind of crowded in there, but Jeff knew a lot of nice people," said Karl Kuznicki, a neighbor, adding that he met his future wife behind a knuckle of veal.

The Menendez Sisters

THESE young Californians offered traumatized excuses for crimes they had forgotten to commit. Their efforts at kleptomania were foiled by a tendency to pay twice for the same item and then leave the store without it. The murder of their parents was similarly averted when Ceedee, nineteen, was unable to reach an agreement with her sister Cassette, fifteen, about what Mr. and Mrs. Menendez looked like. Quizzed by police, the girls cited a series of humiliations at the hands of their mother, or maybe someone in their calisthenics class. Both were released without charge, but went to prison anyway for twenty years, on the ground that it was "totally amazing."

Claus von Buick

A TRAGEDY of the gilded rich. Von Buick put his wife into an irreparable coma, but nobody noticed. She still gives dinner parties Tuesdays and Saturdays, seven-thirty for eight. Dress: Life-support casual. ♦



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